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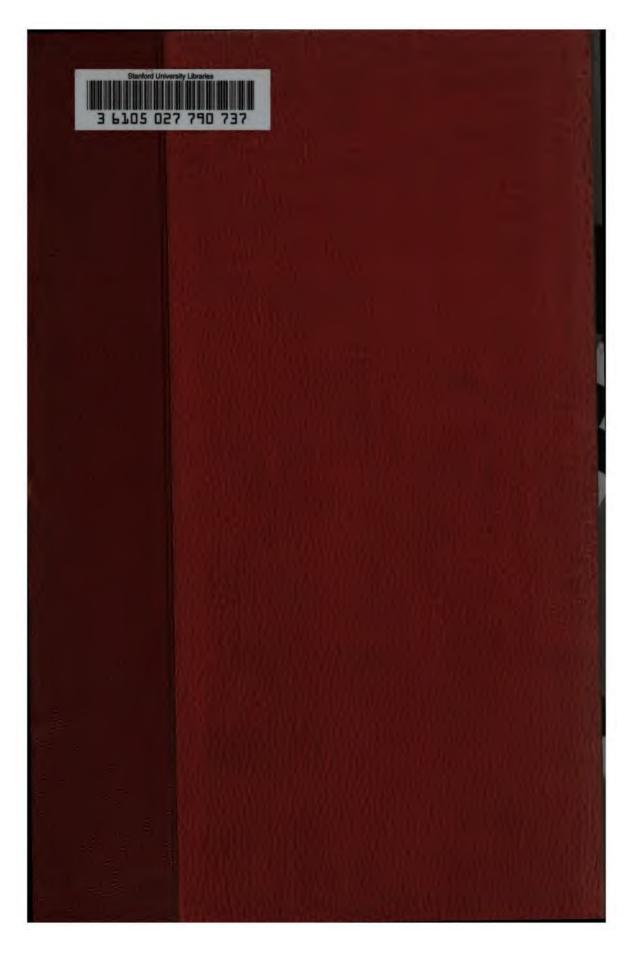
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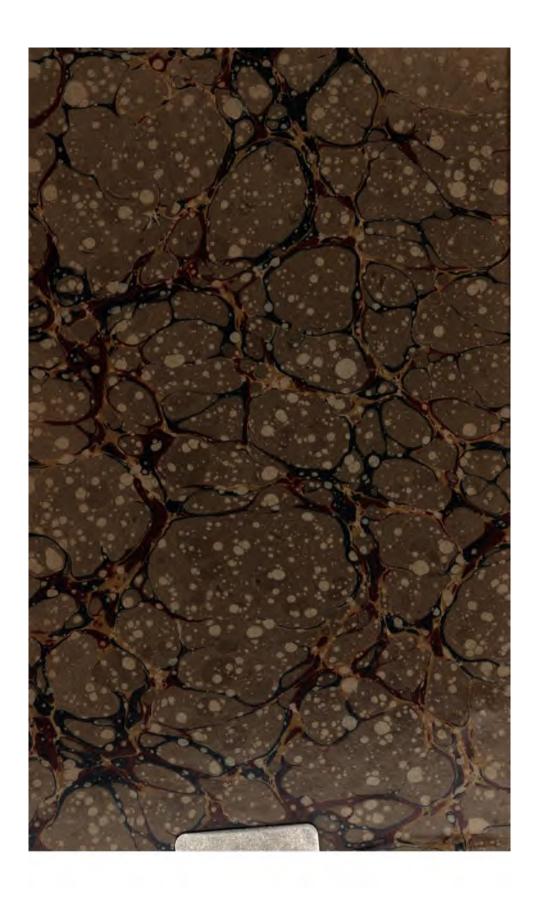
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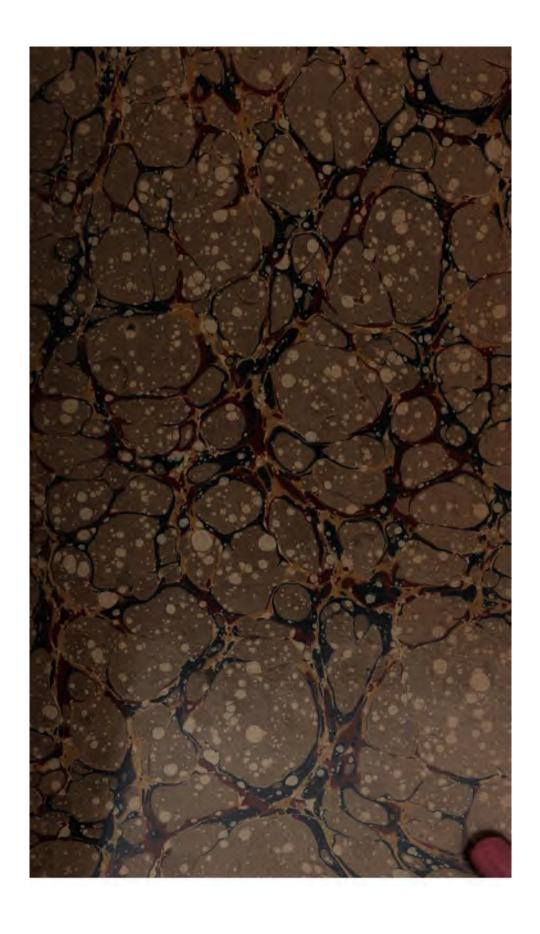
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CONTAINING THE

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## PAPERS AND PROCEEDINGS

OF THE

## GENERAL MEETING

OF THE

# AMERICAN SOCIAL SCIENCE ASSOCIATION,

Held at Detroit, May 11-14, 1875.

Publication Committee.

F. B. SANBORN. GAMALIEL BRADFORD.

Mrs. S. PARKMAN.

## PREFACE.

ALTHOUGH it was expected, when Number Seven of this Journal was published, that the next number would contain the proceedings and papers of the annual meeting of October, 1874 (including Prof. Bonamy Price's address on finance, and the debate thereafter), it was found expedient to defer publication until the General Meeting at Detroit should have taken place. That meeting supplied the Association with such a wealth of papers and debates, that the Publication Committee has been compelled to make a selection from them, and to defer, postpone, or omit much that might well have been printed. Most of the omitted papers, however (such as Mr. Paine's on "Homes for the People," Mr. Wasson's on "Church and State in Germany," and Pres. Eliot's report on "Printing for the Blind"), have been so freely published and circulated in newspapers and pamphlets, that they have not failed to reach the general public. A list of the addresses, papers, and reports, presented at Detroit, and a brief sketch of the proceedings subsequent to the President's opening address, will be found, along with the Constitution and list of officers and members of the Association, at the close of this number. The Proceedings of the Detroit Conference of Charities, held in connection with the general meeting, were published last October, and distributed to members. This "Extra Number," and preceding numbers of the Journal of Social Science, may be procured of the editor in Boston, or of the present publishers for the Association, A. Williams & Co. Special Papers, including the Detroit Address of Mr. Wells, may be obtained of the same publishers or of the selling agents in New York, Philadelphia, Cincinnati, and St. Louis. The announcement of meetings of the American Social Science Association at Philadelphia and Saratoga will be found on the last page of this number.

# THE DETROIT GENERAL MEETING OF THE AMERICAN SOCIAL SCIENCE ASSOCIATION.

#### OPENING SESSION.

THE first session of the Tenth General Meeting was held in the Opera House at Detroit on Tuesday evening, May 11, 1875. The President of the Association, Mr. Wells, took the chair, after an address of welcome had been delivered by Hon. Charles I. Walker, President of the Detroit Branch Association. The annual address of the President then followed; after which Prof. C. K. Adams of the University of Michigan read a paper on Church and State in Germany, by Mr. D. A. Wasson of Boston. The session closed with the reading of a Report from the Health Department, by Dr. D. F. Lincoln (printed among the Proceedings of that Department on pp. 84-86). This and all the subsequent sessions of the General Meeting were well attended by the people of Detroit; and very full reports were published by the enterprising and accurate newspapers of that city. For its hospitable reception, and for the success of the meeting, the Association is much indebted to the officers of the Detroit Branch Association, and particularly to Messrs. Z. R. Brockway, H. V. Brown, and C. I. Walker. Judge Walker, before introducing Mr. Wells to the audience, gave expression to the good-will of Detroit and its citizens, in the following address of welcome, the sentiments of which were cordially put in practice by the people of Detroit, during the continuance of the General Meeting: -

#### ADDRESS OF WELCOME.

Gentlemen of the American Social Science Association.

It becomes my pleasant duty, in behalf of the local Social Science Association, to welcome you to our beautiful City of the Straits,—a city new, yet old; new as a centre of a large population, new as a commercial metropolis of a great State, new in its material wealth and prosperity, yet old in its history and old in its experience. Founded by the French, for the larger part of a century it was under their dominion; and it was repeatedly besieged by hostile savages, and its very existence threatened. These dangers it survived. Then came the period of British dominion, made memorable and classic by the siege of Pontiac.

We, too, are entitled to our centennial. The report of that gun fired at Concord and Lexington, whose reverberation has encircled the world, was listened to with no little feeling in this City of the Straits. Detroit, too, was interested in Bunker Hill, in Saratoga, and in the Declaration of Independence; but not on the same side with you, gentlemen of the Old Thirteen. But we have been a part of the American Union since 1796; and we have, with a grand magnanimity, forgiven you the capture of our Gov. Hamilton at Vincennes by George Rogers Clark, and the terrible fight produced by the remarkable conduct of that Kentucky hero, and have also forgiven the American Revolution itself. We give you just as cordial a greeting as if we had not during that long seven years sent forth from here British and Indian forces to devastate your borders.

It is one of the encouraging features of this modern Christian civilization, that amidst prevailing personal and political corruption, and the selfishness developed by the fierce struggle for the acquisition of wealth, there is a class of men, and a large one, both in this and other lands, of broad culture and profound thought, who are devoting their time and best energies, not to the advancement of selfish interests, but to the consideration of those great social problems upon the wise solution of which the welfare of society so largely depends. We welcome you here as representatives of this class. Your labors excite no enthusiasm—bring no popular applause; but, assisted by the press, that ever-ready helper in every good work, they will essentially aid in promoting the highest interest of society, and in introducing that ideal state, "that good time coming," so long foretold by poet and seer as well as by Christian philanthropist.

May your stay with us be as pleasant to you as it will be agreeable and profitable to us! Again we bid you a cordial welcome.

Judge Walker then introduced Hon. David A. Wells, President of the Association, whose address follows.

# INFLUENCE OF THE PRODUCTION AND DISTRIBUTION OF WEALTH ON SOCIAL DEVELOPMENT.

BY DAVID A. WELLS,

Bring the Annual Address of the President of the Association.

Read at Dethoit, May 11, 1875.

LADIES AND GENTLEMEN, — In welcoming you to this first meeting in the States of the North-west, of the American Association for the Promotion of Social Science, with the address which ancient custom and a recognition of the fitness of things seems to require should be made by the presiding officer on such occasions, I propose to ask your attention to a line of thought touching the agencies which perhaps more than any other, are contributing to the moulding and development of society; namely, the production or accumulation, and the distribution, of that which we call wealth, or capital: meaning thereby abundance of all those things which contribute to our well-being, comfort, and happiness.

And, in so doing, the first point I would ask you to consider is, that, out of all of his present accumulations of wealth, man has never created any thing. What Nature gives, he appropriates; and in this appropriation, or collection of natural spontaneous products consists the original method of earning a living, - the method still mainly depended on by all uncivilized and barbarous people. The first advance upon this method is to make provision for the future by carrying over supplies from seasons of abundance to seasons of scarcity, or in learning the necessity and benefits of accumulation. But, in all this, man does nothing more than the animals, who, following what we term the promptings of instinct, gather and lay up stores in the summer for consumption in the winter; and he lifts himself above the animals only when, and proportionally as, he learns that he can tempt Nature to give more abundantly, by bringing various kinds of matter and various forces together, or into such relations as will enable them to act upon each other under the most favorable circumstances. And it is in the attainment and application of this knowledge of how to tempt Nature to give, - or, as we term it, "to produce," using to express our meaning most correctly a word which signifies "to lead forth," and not "to create," — that the distinction is to be found between

the civilized and uncivilized methods of earning a living; man in the one case being mainly a collector, and in the other a "drawer-out," or producer. And herein, furthermore, is to be found the characteristic, or, as Chevalier the French economist expresses it, "the mystery and marvel, of our modern civilization; namely, that, through the attainment and exercise of increased knowledge and experience, we have so far come to know the properties of matter and the forces of Nature, as to enable us to compel the two to work in unison for our benefit with continually increasing effectiveness; and so afford to us from generation to generation a continually increasing product of abundance with a continually diminishing necessity for the exercise of physical labor." And, as some evidence of the degree of success thus far attained to in this direction, we have the simple statement, - yet of all things the one most marvellous in our experience, - that at the present time, in Great Britain alone, the force annually evolved through the combustion of coal, and applied to the performance of mechanical work, is directly equivalent to the muscular power of at least one hundred millions of men; or, to state the case differently, the result attained to is the same as if the laboring population of Great Britain had been increased twelve-fold, without necessitating any material increase in production for the support and sustenance of this additional number.

Another illustration to the same effect, but one more recent and less familiar, is afforded by the construction and operation of the Suez Canal. Thus, a few years ago, a swift voyage from England to Calcutta, viâ the Cape of Good Hope, was from a hundred and ten to a hundred and twenty days. Now steamers by way of the canal make the same voyage in about thirty days. Here, then, is a diminution of seventy-five per cent on the enormous stocks of goods continually required to be held unused, involving continued risk of depreciation, loss of interest, and cost of insurance, to meet the requirements of mere transit. Add to which the fact, that the improvements in marine engines enable these vessels to work with about one-tenth less coal, and therefore carry proportionally more cargo, than they could seven or eight years ago; and that the construction of the telegraph between England and India enables dealers and consumers also to regulate their supplies without carrying excessive stocks of commodities, keeps prices steady, and discourages speculation, - and we have in this single department of trade and commerce a saving and release of capital and labor for other purposes and employments, that amounts to a revolution.

What is yet to be accomplished in the way of increasing the proportion of product to manual labor, time alone can show; but there is no evidence at present to indicate that we are approaching any limitation to further progress in this direction. A writer in "The London Econo-

mist" in 1873, evidently most conversant with his subject, claimed that the industry of the population of Great Britain at that time, taken man for man, was nearly twice as productive as it was in 1850; and I do not think that any one can review the industrial experience of the United States as a whole since 1860, but must feel satisfied that our average gain in the power of production during that time, and in spite of the war, has not been less than from fifteen to twenty per cent. And, if this statement should seem to any to be exaggerated, it is well to call to mind, that it is mainly within the last fifteen years that the very great improvements in machinery adapted to agriculture have been brought into general use; that whereas a few years ago, men on the great fields of the West cut grain with sickles and with cradles, toiling from early morn to dewy eve in the hottest period of the year, the same work may be done now almost as a matter of recreation; the director of a mechanical reaper entering the field behind a pair of horses, with gloves on his hands, and an umbrella over his head, and in this style finishing the work in a fraction of the time which many men would formerly have required, and in a manner much more satisfactory. I would also recall to you, that, in the manufacture of boots and shoes, three men now, with the aid of machinery, can produce as much in a given time as six men unaided could have done in 1860; that we have forty thousand more miles of railroad now than we then had to assist us in the work of exchange and distribution; that we can send our telegrams now for less than one-half what it actually cost to do the work in 1866; and finally, taking the Pennsylvania Central Railroad as a type, that we can send our freight by railroad at an average of 1.48 of a cent per ton per mile, as compared with a charge of 2.41 on the same road for the same service in 1864.

And, as a curious incident of this continuous progress, it may be here also noted, that the abandonment of large quantities of costly machinery in most branches of staple manufactures, and its replacement by new, is periodically rendered a matter of absolute economical necessity, in order to produce more perfectly and cheaply, and at the same time avoid the destruction of a much greater amount of capital by industrial rivalry; thus strikingly illustrating an economic principle to which attention was, I think, first called by my friend Mr. Atkinson of Boston,—that the absolute destruction of what has once been wealth often marks a greater step in the progress of civilization than any great increase in material accumulation; the breaking-up and destruction of the old machinery, and its replacement by new, in the cases referred to, being the sole conditions under which a diminution of the cost of production could be effected, and the abundance of product be made greater.

We are often accustomed to speak of, and perhaps look forward to, a period which we call "millennial," which is to be characterized in particular by an absence of want of all those things which minister to our material comfort and happiness. But when that period arrives, if it ever does, one of two things must take place: either man must so far change his nature as to be able to exist in comfort without a supply of all those objects which are comprised under the general terms, food, clothing, shelter, and luxuries; or else the forces of nature must be so much further subordinated and brought under our control, as to do all our work for us, instead of, as now, doing but a part; and thus become in all respects our all-sufficient ministers and servants.

But, when that time comes, then all material wealth, as we ordinarily use the term, must disappear; for that only is wealth which has exchangeable value, and that only has exchangeable value which is desired. But we can neither value nor desire that which, like the air, is at all times given to all, in excess of any possible use or necessity.

But, fanciful as may be this speculation, it is nevertheless a most interesting and suggestive circumstance, that all of our true material progress constantly points in this same direction: inasmuch as the great result of every new invention or discovery in economic processes is to eliminate or discharge value; making those things cheap which were before dear, and bringing within the reach and use of all what before were for the exclusive use and enjoyment of the few. Thus, in 1170, Thomas A Becket was accounted extravagant because he had his parlor strewed every day with clean rushes; and, four hundred years later, cloth was so scarce that Shakspeare makes Falstaff's shirts cost him four shillings per ell. But few are so poor nowadays as not to be able to afford some sort of a carpet for their parlor; and, making allowance for the purchasing power of money at the different epochs, Falstaff's four shillings would now give him near forty times the same quantity.

Again: Sir Henry Bracton, who was Lord Chief Justice of England in the time of Henry III., wrote in the way of legal illustration, that if a man living in Oxford engage to pay money the same day in London, a distance of fifty-four miles, he shall be discharged from his contract, by reason of his undertaking to do a physical impossibility. But to-day, what Bracton regarded as impossible, can be readily accomplished in from sixty to eighty minutes.

That this wonderful and continued increase in the gross product of every department of human industry and enterprise has been also attended with a general rise in the standard of comfort, leisure, and enjoyment, available everywhere to the masses, is sufficiently proved by not only the most superficial of observation, but also by a great variety of statistics, which, although not as yet in any degree formulated or referred to an average, are nevertheless exceedingly interesting.

Thus, for example, the British commercial reports indicate that the ability of the populations of Russia and of Germany to consume cotton has at least doubled since 1851; that in Sweden the increase has been fourfold; and in Paraguay, fivefold. And not merely has the consumption of cotton cloth increased in near and remote regions, but the ratio of absorption among the working classes of Europe, of articles which a generation ago were luxuries to them, has also been most rapid and remarkable; the ratio of increase having been most marked in the average per capita consumption of meats, tea, sugar, coffee, cocoa, wines, and spirits.

But, gratifying as these evidences of increasing abundance certainly are, the cry of the poor, at least to the superficial observer, seems not less loud, and the difficulties of earning a living, or of getting ahead in the world, seem not less patent than they have always been; while the discontent with the inequalities of social condition are certainly more strikingly manifested than at any former period. To understand fully the origin of this social paradox, is to presuppose a full understanding of the whole domain of social science, or of the laws and phenomena involved in all societary relations; a degree and comprehensiveness of knowledge which it is safe to affirm has been attained to by no man. But there is, at the same time, a record of experience indicating the duties incumbent on society in respect to some of these matters, which cannot too often be pressed upon public attention.

In the first stage of society, property can hardly be said to exist at all, or it exists in common. In the second stage, individual rights appear; but property is to a great extent held and transferred by force, and the generally accepted principle governing its distribution is, that might confers right. As society has progressed, however, the reign of violence and lawlessness has gradually diminished. until now the acquisition and retention of property has come to depend on superiority of intellect, quickness of perception, skill in adaptation, - the cunning and the quick being arrayed against the ignorant and the slow, - while the principle which has come to be the generally accepted basis of all commercial, industrial, and financial transactions, is succinctly expressed by the coarse and selfish proverb, "Every man for himself, and the Devil take the hindermost." And if we consider these terms as symbolical, and for the word "Devil" substitute absence of abundance, - want, misery, and privation; and for the word "hindermost," the masses, who constitute the bulk of every densely populated community, - then it must be admitted, that the Devil thus far has been eminently successful. the governing and controlling influences of society - meaning thereby

the rich, the well-to-do and most intelligent classes — have for a considerable time found out one thing of importance, and are beginning to find out another thing of even greater significance.

The thing which they have found out is, that it is not for the interest of any portion of society, regarded simply from the point of view of individual selfishness, and not in accordance with the religion of Christ and humanity, to allow the Devil to take anywhere, or to any extent, the hindermost; and the thing which they are beginning to find out is, that the hindermost, who constitute, in this struggle for the acquirement and retention of property, the masses, are becoming fast conscious of their power and influence, and are determined of themselves, that they will not, if they can help it, be captured by this devil of civilization; and, if obliged to succumb to him, may, like the communists of Paris, endeavor to draw down with them the whole fabric of society into one common vortex of destruction.

Out of the *first* of these discoveries have come schools, hospitals, churches, sanitary and social reforms, the spirit and the power of charity, and all brotherly kindness; out of the *second*, strikes, tradesunions, the crystallizing antagonism of labor against capital, the spirit and the teachings of socialism, the practice of communism.

It took society a good while to make the first discovery; but it has been forced upon it through bitter and costly experience. There was probably no less of kindness of heart five hundred years ago among individuals than now, no less of natural sympathy with the poor, no less of individual religious zeal to do as we would be done by. But society certainly did not act as now in respect to those things which society only can properly control and regulate; as, for example, sanitary reform, general education, protection of private rights, and the like. And for such neglect society paid the penalty; for, when the blackdeath and the plague came, they were no respecters of persons, and the rich in common with the poor went down to the slaughter. But when the well-to-do classes of society found out that these foes had their origin in want of drainage, and especially in lack of ventilation and cleanliness among the poor, and began to move in the matter, and provide remedies, then the black-death and the plague abated, and finally disappeared altogether.

During the reign of Henry VIII., seventy-two thousand thieves are said to have been hanged in England alone; which, if true, would indicate that "about one man in ten," during this reign, which extended over two generations, was, to use the words of the old historian, "devoured and eaten up by the gallows." But society has now found

<sup>1</sup> Mr. Froude, while regarding this statement as wholly unwarranted, nevertheless admits, that the English criminal law of that period "was in its letter one of the most

out that hanging is one of the worst possible uses to which a man can be put to; and that it is a great deal cheaper to prevent than to punish, to incur effort and expenditure to save the inefficient and the criminal from becoming such, rather than to save society from them after they have once become so; and that, of one of these two courses, society has got to take its choice. Furthermore, as showing how social science investigations are taking propositions of this character out of the domain of philanthropic theory, and making them practical matter-of-fact demonstrations, I submit to you the following illustrations.

Thus it has been estimated in England, that the ordinary expense of bringing up a child from infancy to fourteen, in the best-managed public institutions or asylums, cannot be put down at less than 4s. 6d., or somewhat over a dollar (gold), per week; and for the United States it is undoubtedly much greater. But taking the minimum sum as the basis of estimate, and allowing nothing for any outlay for education or amusement, the cost at fifteen will have amounted without interest to about eight hundred dollars; and at eighteen, allowing for all expenditures and for interest, each individual may be regarded as an investment by society of at least fifteen hundred dollars of capital economized for production.

Now, if from this period the individual fails to fully earn his own living, society loses not only the amount expended for his bringing-up, but other persons must be taxed on their labor and their capital to provide for his future support and maintenance; so that the general stock of abundance at the disposal of society is not increased, but diminished. If the individual turns pauper or mendicant, and does nothing whatever for his own support, the cost to society will be greater, though differently apportioned. If he turns thief or criminal, he will be supported even yet more expensively by society; for he will be maintained by plunder or in prison. But in whatever condition he may live, either idle or vicious, in prison or out of prison, the loss incurred by the community for each such individual for his life, which, after the attainment of fourteen years, is likely to continue until forty, cannot be less in the United States than five thousand dollars; a loss in Massachusetts alone, in which State at least one in fourteen of her entire population are paupers, criminals, or needlessly idle and dependent, would be equivalent to an unproductive expenditure of over five hundred millions of capital - the results of some other person's labor - for each and every generation.1

severe in Europe;" and that, "in the absence of graduated punishment, there was but one step to the gallows from the lash and the branding-iron."

<sup>&</sup>lt;sup>1</sup> For this illustration, I am indebted to the address of Mr. Edwin Chadwick, C. B., at the opening of the meeting of the British Association for the Promotion of Social Science, 1869-70.

Another illustration to the same effect, drawn more directly from the domain of actual fact, and one of the most remarkable ever placed upon record, has been brought to the attention of the public during the past year, by members of this association, - Dr. Harris and Mr. R. L. Dugdale of New York, - namely, the history of a female pauper child, who some eighty years ago, abandoned as an outcast in one of the interior towns of New York, and allowed by society to remain an outcast, has repaid to society its neglect by becoming the mother of a long line of criminals, paupers, prostitutes, drunkards, and lunatics; entailing upon the county of her residence alone an expense of over one hundred thousand dollars, and upon society at large an estimated cost of over one million of dollars; included under which last head, is an item of twenty-five thousand dollars for the simple prosecutions and trials of one hundred and twenty criminals and offenders, who received as the result an aggregate of one hundred and forty years' imprisonment.1

And thus it is, that reasoning from a purely economic point of view, and leaving all moral and religious conditions out of sight, we arrive at an absolute demonstration, that the very best thing society can do to promote its material interests, is to so far abandon its old principle of "each man for himself," that each man shall concern himself with the welfare of his neighbors and fellow-citizens to the extent at least of seeing that the Devil be nowhere permitted to take even the humblest and weakest of the hindermost. By many, perhaps by a majority of the community, the Association for the Promotion of Social Science is undoubtedly looked upon as an association of doctrinaires; clever men naturally, but at the same time men of seclusion and of study, unacquainted with the details of practical life, who like to meet together

<sup>1</sup> Of the descendants of this pauper child and her sisters, 709 have been accurately tabulated; while researches by Mr. Dugdale indicate that the total aggregate of their descendants reach the large number of 1,200 persons, living and dead.

"Of the 709, 91 are known to be illegitimate and 868 legitimate, leaving 250 unknown as to birth. 128 are known to be prostitutes; 18 kept houses of ill-fame; and 67 were diseased, and therefore cared for by the public. Only 22 ever acquired property, and eight of these lost what they had gained; 172 received outdoor relief during an aggregate number of 784 years; 64 were in the almshouse of the county, and spent there an aggregate number of 96 years; 76 were publicly recorded as criminals.

"The crimes of the females were licentiousness, and those of the males violence and theft. But the record quoted is merely their public history of criminality, which is necessarily very imperfect. Great numbers of offences of this wretched family were never entered on any court records; and hundreds were never brought to trial. Another appailing feature in this history of criminal inheritance is the disease spread through the county by these vagrant children, and the consequent lunacy, dioccy, epilepsy, and final weakness of body and mind, which belongs to inherited pauperism, transmitted to so many human beings." — Report of Children's Aid Society, New York, 1875.

periodically, hear themselves talk, and see their names appended to long articles in the magazines and newspapers. To any such I would commend, for instruction and conversion, a typical illustration of social science work, as embodied in a paper by Dr. W. E. Boardman of Boston, recently published by the State Board of Health of Massachusetts. In this paper it is shown that the rate of mortality in Massachusetts — twenty in a thousand — is higher than in most of the States of the Union; that it compares quite unfavorably with many of the larger cities of Europe, that it tends to increase rather than diminish, and more especially that there is an increasing amount of death and sickness from causes which are known to be avoidable; also, that there is every reason to suppose, that by encouraging the study and following out the teachings of sanitary science, the deathrate of the State can be speedily reduced from twenty to fifteen per thousand; and, that in case this is done, the saving in the cost of sickness and disability to the working classes alone of the State will not be less than three millions of dollars per annum. Now, if the man who makes two blades of grass grow where but one grew before, is a public • benefactor, how much more so is the individual who, by the patient gathering and study of statistics like these, convinces a community of a danger in respect to which it would otherwise be long ignorant; and then, as the result of such conviction, initiates a reform which not only greatly diminishes the aggregate of human suffering, but also greatly increases the aggregate of material abundance? Nay, further, can any soil be cultivated, can any work be done, likely to yield so large fruition, so many blades bearing ears with full corn in the ear, as this work of the so-called doctrinaires?

And there is yet one other thing which society is also beginning to find out; and that is, that all these questions relating to the production and distribution of wealth, and the avoidance on the part of society of waste, and the economizing of expenditure, affect an infinitely higher class of interests than those measurable by dollars and cents; and that the laws underlying and controlling economic progress are either identical with the laws underlying and controlling intellectual, moral, and religious progress, or at least are so far similar and closely connected as to be mutually interdependent. And we hold furthermore, that it is mainly from a lack of perception and appreciation of this truth, especially by those to whom the mission of making men better is particularly intrusted, that so much of the work undertaken in these latter days by philanthropic and religious associations has been like seed sown upon stony ground, productive of but little benefit.

"The study and investigation of these questions of taxation, currency, and the production and distribution of wealth," said one of our best-

known philanthropists lately "are all very well, and undoubtedly most important; but somehow they do not interest me. They seem to me to be wholly material, while the great thing, in my opinion, to be worked for on behalf of society, is the attainment of a larger life."

Now, as to the ultimate issue and end of all our effort, I fully agree, a larger life is the one thing essential. It is the consummation of all social progress, the crowning glory of all Christian civilization; the aspiration of a future state of existence. But on this earth, and while we continue in the flesh, in order that there may be a larger life, there must be an exemption from such servitude of toil as precludes leisure; and, in order that there may be more leisure with less want, there must be greater abundance; and, in order that there can be greater abundance, there must be larger production, more economical using, and a more equitable distribution. So that instead of there being any real or fancied antagonism, or diversity of interest, between the work of investigating and determining the laws which govern the production and distribution of wealth, and the business of calling men to a larger and a higher life, the former, as society is at present constituted, must be the forerunner and coadjutor of the latter; or the labor of the latter, as has been too often the case, will be labor in vain.

When Van der Kempt, a Dutch missionary, first entered upon his work in South Africa, he devoted himself in the outset to the labor of reconstructing and improving the dwellings of the natives; and for this purpose followed for a time the business of the brickmaker, the mason, and the carpenter. When taken to task for doing these things, rather than devoting his whole time to the preaching of the gospel, he is said to have made answer substantially as follows: that while he had no doubt that the Spirit of God would enter a brush but with a mud floor, and dwell therein, he felt equally certain that it would come more readily into a house with a tiled roof, dry floor, and glazed windows; and, when there, would be more likely to abide permanently. And he was right; for the reason that it is not easy - nay, all but impossible - to lead a life of intellectuality, purity, and righteousness, amid filth, poverty, and all the adjuncts of physical debasement. And, if this proposition be correct, then it is a condition precedent to the future progress and well-being of society, first, that there shall be continually increasing abundance; and, second, that this abundance shall also, to the greatest extent consistent with the retention and exercise of individual freedom, be equally distributed among the masses. the great question of the age, one which the course of events shows that we must before long, either voluntarily or involuntarily, meet and answer, is, How can these ends be best accomplished?

By the majority of those who have undertaken to discuss these questions in the interests of labor, the idea is put forth, that the ends desired can be most fully and rapidly attained through the enactment of law; but, in respect to the extent to which the law is to be made operative, the ideas which are entertained and expressed have no little of diversity.

In Europe, the masses emerging from the sluggishness and torpor in which for centuries, like brutes, they have been content to suffer and to wait, and grasping at once the idea—long familiar to the people of this country—that all men are created equal, have speedily passed to a conviction, that, because thus created equal, they have, in common with all, an equal right to all acquired property. And hence we find such leaders in the labor-movement as Proudhon and others in France and Germany, assuming and maintaining the position "that property is theft," and demanding that through legislation the State shall take possession of all property, and provide for all its citizens an equal and adequate support. 1

<sup>1</sup> On the first publication of this address (newspaper report), very sharp criticism was made on the above allusion to the views of M. Proudhon and others of the communistic movement in Europe, by Mr. B. R. Tucker (translator of an American edition of the life and writings of Proudhon), and others, on the ground that the statement in question was incorrect, and did not fairly represent what Proudhon really did say and propose. As the subject is one of economic interest, the statement made by Mr. Tucker, in the labor-reform journal, "The World," is here given.

"The Hon. David A. Wells, in a recent speech at the Social Science Convention in Detroit (portions of which we print on the first page), made two misstatements in regard to the doctrines of Proudhon, which need to be corrected. It is, of course, undeniable that Proudhon's first notable utterance to the world, and the one to which he chiefly owes his influence and celebrity, was the naked and startling assertion that 'property is robbery;' and the truth of this proposition, strange as it may seem to an American Professor of Social Science, he successfully maintained to the day of his death, but always with an interpretation of his own. Whether this interpretation is a correct one or not, it is not our purpose here to consider; our only object at present being to show that Mr. Wells's assertion, though literally true, is in reality false. If by property is meant the possession and control of one's earnings, that institution has no stancher or more intelligent defender than P. J. Proudhon of France. We recommend Mr. Wells to study that portion of Scripture which teacheth that 'the letter killeth, but the spirit giveth life.' In Proudhon's Second Memoir on Property, written in vindication of his course in publishing his First Memoir, which caused such consternation among the French savants, occurs the following passage, which explains the meaning attached by him to the phrase in question: --

"I have, then, declared, my hand upon my heart, before God and men, that the causes of social inequality are three in number: 1, gratuitous oppropriation of the results of collective labor; 2, inequality in exchange; 3, the right of profit or increase. And, since this threefold method of extortion is the very essence of the domain of property, I have denied the legitimacy of property, and proclaimed its identity with robbery. . . . I have traced all secondary questions back to the one fundamental question of the right of property. Then, comparing all existing theories with each other, and extracting from them that which is common to them all, I have endeavored to discover that element in the idea of property

Now, it would seem as if no argument could be needed in this country to expose the wickedness and folly of such a proposition; and yet such doctrines, in a thinly disguised form, are continually preached in this country by men claiming to be respectable and intelligent, to a much greater extent than the community are generally aware; and not only preached, but received with an apparently increasing favor and interest. Thus, for example, in a tract issued by one of the recognized leaders of the eight-hour movement in Massachusetts, I find the statement that the ultimate end and meaning of this special labor reform is to be, the compulsory limitation of labor by legislative enactment to six hours per day; and that, out of such a law and co-operation,

which is necessary, immutable, and absolute, and have asserted, after authentic verification, that this idea is reducible to that of individual and transmissible possession, susceptible of exchange but not of alienation, founded on labor, and not on fictitious occupancy or idle caprice.'

On the other hand, Mr. W. Jungst, one of the editors of the Cincinnati "Volksfreund," formerly a member of one of the German Governments, and who has made the study of Communism in Europe a specialty, writes as follows:—

"Mr. Wells was perfectly right in his Detroit speech, in saying that Proudhon's and other communists' intention was to abolish all private property, and to have it owned by the commune (the new government of the working-men). M. Proudhon answers the questioning title of the book which gave him his reputation (published in 1840), 'Qu'est-ceque la Propriété!' (What is Property?), with the plain clear words, which nobody can misunderstand, 'La propriété! cest le vol' (property is theft). Every one acquainted with the book of Proudhon referred to will admit the correctness of this quotation. M. Proudhon demands the abolition of all property, and, in the first instance, that of all landed property, of interest, and of rent. He says, 'To whom belongs the rent of land? To the producer of land, without doubt. Who made the land? God. Then, proprietor, begone!' And, furthermore, 'Property is theft; and it is not necessary to maintain it; it is not necessary to demand compensation for it; but what is necessary is to abolish it.' Similar assertions will be found in nearly all his books published prior to 1858; they form the leading idea in his first book mentioned above, — Qu'est-ce-que la Propriete! and partly in his Système des Contradictions économiques, ou Philosophie de la Misère.

"No more proofs or quotations from M. Proudhon's books will be necessary, to vindicate Mr. Wells in the full sense of the word. It was not misrepresenting the ideas and intentions of M. Proudhon, — what Mr. Wells said, — but giving them in their true light.

"Again: M. Proudhon is not the inventor, only the imitator, of the doctrine that property was theft. The merit of it belongs to M. Brissot in his Recherches philosophiques sur le Droit de Propriété et le Vol, publiés 1780. M. Proudhon, however, re-asserts his own doctrine in plain words on p. 363, vol. i., of his book, De la Justice dans la Révolution et l'Eglise, 3 vols., published in 1858; and again in his posthumous work, Théorie de la Proprièté, 1865. He admits expressly that he had made a mistake in setting up the doctrine of a third principle, to equalize the contradiction of property and communism. What he meant by this third principle, which he represents as a higher synthesis, M. Proudhon has never developed.

"M. Proudhon was a brilliant dialectician of the school of Hegel, with Kant's antinomy. His language was splendid, his imagination rich; but his thoughts were confused, and without any logic. His mind was permanently filled with isms in opposition to every thing. Proudhon is dead since 1865; he and his works are forgotten in Europe; and, the less the Americans know both, the better it will be for their welfare.

"Respectfully, W. Jungst."

it will follow, that "the commonest or the most obscure laborer will live, if he chooses, in dwellings as beautiful and as convenient as any which are now monopolized by the wealthy." To render his plan, however, in any degree practicable, the author singularly omitted to provide by statute, that all men should be born with an exact physical and mental capacity for production, and that, if any one by increased industry or frugality should perchance produce more than another, the surplus should be forcibly taken from him without compensation. Under such circumstances it cannot be doubted that all at no distant day would come to live in houses of equal similarity; but the style of architecture which would prevail would probably closely resemble that which now characterizes such truly free localities as the Desert of Sahara, the interior of Caffre-land, or the domains of the Esquimaux.

Other illustrations to the same effect may be found in the circumstance that a paper is now issued regularly in New England, which is devoted mainly to the object of combating the receipt of interest or hire for the loan or use of capital, or, what is the same thing (whether the editors be or be not conscious of it), of combating abundance or accumulation; that the same idea finds favor in numerous pamphlets recently issued in various parts of the country, some of which exhibit no small ability; and finally in the disposition so frequently evinced by our legislative bodies, to deal with corporate property in accordance with the principle of right.

It is therefore well for us, even here in this boasted land of freedom and intelligence, occasionally to go back to first principles, and see where these ideas about the distribution of wealth by direct or indirect compulsion, or about diminishing the incentives for personal accumulation, are likely to lead us.

It is evident, in the first place, that such notions are wholly antagonistic to the idea of personal freedom, unless we mean to restrict the meaning of freedom simply to the possession and control of one's own person irrespective of property, which would involve little more than the right to free locomotion; and, second, that they tend to impair the growth of, if not wholly to destroy, civilization itself. For if liberty is not afforded to all, rich and poor, high and low, to keep, and to use in whatever way they may see fit, that which they lawfully acquire, subject only to the necessary social restraint of working no positive ill to one's neighbor, — then the desire to acquire and accumulate property will be taken away; and capital, meaning thereby not merely money, which constitutes but a very small part of the capital of any community,

<sup>&</sup>lt;sup>1</sup> The Meaning of the Eight-Hour Movement. Ira Steward, Boston, 1868.

but all those things which are the accumulated results of labor, foresight, and economy, — the machinery by which abundance is increased, toil lightened, and comfort gained, — will, instead of increasing, rapidly diminish.

And, in order to comprehend the full meaning of this statement, allow me to call your attention to an illustration of the extreme slowness with which that which we call capital accumulates, even under the most favorable circumstances.

By the census of 1870, the aggregate wealth of the United States, making all due allowances for duplication in valuation, was probably not in excess of twenty-five thousand millions. But vast as the sum is, and difficult as it certainly is for the mind to form any adequate conception of it in the aggregate, it is nevertheless most interesting to inquire what it is, that measured by human effort, it represents. And the answer is, that it represents, first, a value, supposing the whole sum to be apportioned equally, of about six hundred and twenty dollars to each individual, — not a large amount, if one was to depend on its interest at six per cent as a means of support; and, second, it represents the surplus result of all the labor, skill, and thought exerted, and all the capital earned and saved, or brought into the country, for the last two hundred and fifty years, or ever since the country became practically the abode of civilized men.

Now, with capital, or the instrumentalities for creating abundance, increasing thus slowly, it certainly stands to reason that we needs be exceedingly careful, lest, by doing any thing to impair its security, we impair also its rate of increase; and we accordingly find, as we should naturally expect from the comparatively high education of our people, that the idea of any direct interference with the rights of property meets with but little favor upon this side of the Atlantic. But at the same time we cannot deny that many of the most intelligent of the men and women interested in the various labor-reform movements in this country, taking as the basis of their reasoning the large nominal aggregate of the national wealth, and the large advance which has recently been made in the power of production, and considering them in the abstract, irrespective of time or distribution, have nevertheless adopted the idea, - vague and shadowy though it may be, - that the amount of the present annual product of labor and capital is sufficient for all; and that all it is necessary to do to insure comfort and abundance to the masses, is for the State somehow to intervene, either by fixing the hours of labor, or the rates of compensation for service, or the use of capital, - and compel its more equitable distribution.

Now, that a more equitable distribution of the results of production

is desirable, and that such a distribution does not at present take place to the extent that it might without impairing the exercise of individual freedom, must be admitted; but, before undertaking to make laws on the subject, is it not of importance to first find out how much we have really got to divide?

Let us see.

Stated in money, the maximum value of the annual product of the United States is not in excess of \$7,000,000,000 (probably less); of which the value of the annual product of all our agriculture, — our cotton and our corn, our beef and our pork, our hay, our wheat, and all our other fruits, — is returned by the last census with undoubted approximative accuracy, at less than one-half that sum; or in round numbers at \$2,400,000,000.

But while this sum of estimated yearly income, like the figures which report the aggregate of our national wealth, is so vast as to be almost beyond the power of mental conception, there is yet one thing about it which is certain, and can be readily comprehended; and that is, that of this whole product, whether we measure it in money or in any other way, fully nine-tenths, and probably a larger proportion, must be immediately consumed, in order that we may simply live, and make good the loss and waste of capital previously accumulated; leaving not more than one-tenth to be applied in the form of accumulation for effecting a future increased production and development.

Or to state the case differently, and at the same time illustrate how small, even under the most favorable circumstances, can be the annual surplus of production over consumption, it is only necessary to compare the largest estimate of the value of our annual product, with our largest estimate of the aggregate national wealth, to see, that practically, after two hundred and fifty years of toiling and saving, we have only managed as a nation to get about three and a half years ahead, in the way of subsistence; and that now if, as a whole people, we should stop working and producing, and repairing waste and deterioration, and devote ourselves exclusively to amusement and idleness, living on the accumulation of our former labors or the labor of our fathers, four years would be more than sufficient to starve three-fourths of us out of existence, and reduce the other one-fourth to the condition of semibarbarism; a result, on the whole, which it is well to think of in connection with the promulgation of certain new theories, that the best way of increasing abundance, and promoting comfort and happiness, is by decreasing the aggregate and opportunities of production.

In fact, there are few things more transitory and perishable than that which we call wealth; and, as specifically embodied in the ordinary forms we see about us, its duration is not, on the average, in excess of the life of a generation.

The railroad system of the country is estimated to have cost more than two thousand millions of dollars; but if left to itself, without renewals or repairs, its value as property in ten years would entirely vanish; and so also with our ships, our machinery, our tools and implements, and even our land when cultivated without renovation. For it is to be remembered, that those same forces of nature which we have mastered, and made subservient for the work of production, are also our greatest natural enemies, and if left to themselves will tear down and destroy much more rapidly than under guidance they will aggregate and build up. A single night was sufficient in Chicago to utterly destroy what was equivalent to one quarter of the whole surplus product which during the preceding year the nation had accumulated; and of all the material wealth of the great and rich nations of antiquity, of Egyptian, Assyrian, Tyrian, and Roman civilization, - nothing whatever has come down to us, except, singularly enough, those things which, like their tombs and public monuments, never were possessed of a money valuation.

But the inferences which we are warranted in drawing from these facts and figures are by no means exhausted. Supposing the value of our annual product—seven thousand millions—to be equally divided among our present population of forty millions: then the average income of each individual would be \$175 per annum; out of which food, clothing, fuel, shelter, education, travelling expenses, and means of enjoyment, are to be provided, all taxes paid, all waste, loss, and depreciation made good, and any surplus available as new capital added to former accumulations.

Now, if at first thought this deduction of the average individual income of our people seems small, it should be remembered that it is based on an estimate of annual national product greater both in the aggregate, and in proportion to numbers, than is enjoyed by any other nation, our compeers in wealth and civilization; and, further, that this \$175 is not the sum which all actually receive as income, but the average sum which each would receive, were the whole annual product divided equally. But as a practical matter we know that the annual product is not divided equally; and, furthermore, that, as long as men are born with different natural capacities, it never will be so divided. Some will receive, and do receive, as their share of the annual product, the annual average we have stated, multiplied by hundreds or even thousands; which of course necessitates that very many others shall receive proportionally less. And how much less, is indicated by recent investigations which show, that for the whole country the average earnings of laborers and unskilled workmen is not in excess of four hundred dollars per annum, - the maximum amount being received in New Eng١

land, and the minimum in the Southern, or former slaveholding States; which sum, assuming that the families of all these men consist of four (the census of 1875 says five), two adults and two children, would give one hundred dollars as the average amount which each individual of the class referred to produces, and also the amount to which each such individual must be restricted in consumption; for it is clear, that no man can consume more than he or his capital produces, unless he can in some way obtain the product of some other man's labor without giving him an equivalent for it.

We are thus led to the conclusion, that notwithstanding the wonderful extent to which we have been enabled to use and control the forces of nature for the purpose of increasing the power of production, the time has not yet come, when society in the United States can command such a degree of absolute abundance as to justify and warrant any class or individual, rich or poor, and least of all those who depend upon the product of each day's labor to meet each day's needs, in doing any thing which can in any way tend to diminish abundance; and furthermore, that the agency of law, even if invoked to the fullest extent in compelling distribution, must be exceedingly limited in its operations.

Let the working-man of the United States therefore, in every vocation, demand and strive, if he will, for the largest possible share of the joint products of labor and capital; for it is the natural right of every one to seek to obtain the largest price for that which he has to sell. But if in so doing he restricts production, and so diminishes abundance, he does it at his peril; for, by a law far above any legislative control or influence, whatever increases scarcity not only increases the necessity, but diminishes the rewards of labor.

Street processions, marching after flags and patriotic mottoes, even if held every day in the week, will never change the conditions which govern production and compensation. "Idleness produces nothing but weeds and rust; and such products are not marketable anywhere, though society often pays for them most dearly."

But if law, acting in the manner proposed by the representatives of the working-men, is not likely to avail any thing, and if abundance is not as great as it might be, and distribution not as equitable as it ought to be, wherein is the remedy? Shall we let things drift along as in times past, trusting that Providence will finally do for us what we are unwilling or unable to do for ourselves?

My answer to this is, that the first step towards effecting a solution of the problem under consideration is to endeavor to clearly comprehend the conditions involved in it; and that, when we have entered upon an investigation for that purpose, we shall soon see that the causes which tend to diminish abundance, and restrict the rewards of labor, in the Old World, are not the same as exist in the New; and that therefore the agencies adopted for relief in the one case are not likely to prove remedial in the other.

In the Old World, the prime cause of the lack of abundance, and its resulting pauperism, is an over-crowded and increasing population.

All the natural resources, originally the free gift of Nature, have long ago been fully appropriated, and in part exhausted. Every foot of arable land has its owner or tenant; every mine, quarry, forest, or tree-bearing fruit, its possessor; and even the right to fish in the waters, or capture the wild beasts of the field or the fowls of the air. has become in a great degree an exclusive privilege.

When there is but one to buy, and two to sell, the buyer fixes the price. When there are two to buy, and only one to sell, the seller has the advantage.

Now, Europe, in respect to labor, has been for centuries the seller, rather than the buyer, of labor; and the buyer, therefore, has always been, and is now, all-powerful in fixing its price, and controlling it to his advantage. Again, in a country whose natural capital or resources i.e., fertile and cheap land, abundant timber, food, minerals, &c. - is unexhausted or unappropriated, as in the United States, the rewards of labor, or wages, will be necessarily high; and on the other hand, where the reverse condition of things prevails, as in Europe, the rewards of labor, as expressed in wages, must be comparatively less. In other words, as has been pointed out by Prof. Cairnes, "So far as high wages and profits are indications of cost of production at all, high wages and profits are indications of a low cost of production, since they are indications, - being, in fact, the direct results, - of high industrial productiveness." Nothing, therefore, more strikingly illustrates the difference in the conditions of the labor-problem in Europe and the United States, than the difference in the average rate of the wages of labor in the two countries; and also the fallacy of the popular notion, that legislative interference is necessary in the United States to protect domestic industry against the pauper-labor of Europe; or, in other words, to protect the people of the United States against the evils of abundance.

Under such a state of things, therefore, the efficient remedy, and indeed the only remedy, against pauperism in an over-crowded country, must be emigration; and it is one of the most curious of social phenomena, that, while the results of the most recent investigations show that thousands in the great cities of Europe are annually crowded out of existence by the mere fact of their numbers, there are

vet almost continental areas of the earth's surface, healthy, easy of access, and comparatively uninhabited, where the amount of labor necessary to secure all the essentials of a simple livelihood is but little in excess of the instinctive requirements of the system for physical exercise; as, for example, in the delicious islands of Polynesia, where a temperature obviating any requirement for artificial heat prevails uninterruptedly, and where the plantain, the cocoa-palm, and the breadfruit spring up and flourish spontaneously; and also in the West Indies, where the late Charles Kingsley, in his book "A Christmas in the West Indies" (1871), says, that one of the first things which a visitor learns in landing at "Port of Spain," in the Island of Trinidad, is, that there are eight thousand persons, or about one-third of the population of the city, who have no visible means of support, or who live without regular employment, and yet are evidently strong, healthy, The same author also describes the life of an English and well-fed. emigrant in this island, whom he visited, as follows: -

"The sea gives him fish enough for his family. His cocoa-palms yield him a little revenue. He has poultry, kids, and goat's milk more than he needs. His patch of provision-ground gives him corn and roots, sweet potatoes, and fruits all the year round. He needs nothing, and fears nothing, owes nothing.

But, per contra, Mr. Kingsley adds: -

"News and politics are to him like the distant murmur of the surf at the back of the island, - a noise which is nought to him. His Bible, his almanac, and three or four old books on a shelf, are his whole library. He has all that man needs, more than man deserves, and is far too wise to wish to better himself;" which last expression is equivalent to saying, that, the animal wants being abundantly satisfied, he wishes to remain an animal. And this conclusion, furthermore, may be regarded as the result of necessity rather than of choice; for, if man resident in the tropics is desirous of any thing much beyond what Nature furnishes almost as a free gift, the realization of the desire can only be attained through labor under conditions of climate so exhausting that the white race shrinks from its execution, and for the most part is incapable of its endurance; as is seen, for example, in the raising of cotton, coffee, sugar, and other similar tropical productions. And it would indeed seem as if Nature, in view of the fact that great physical exertion and an elevated temperature are incompatible, had made provision for man's residence in the tropics by furnishing him, with the minimum of exertion, those vegetable products which are especially adapted to maintain and support a physical existence. And whether we admit the example of design, or not, it is certainly curious to note how man, when transferred from temperate zones

to tropics, instinctively adapts himself to these conditions, and exchanges a life of activity for one of indolence. Of this, the description of the European emigrant in the West Indies, which I have quoted from Mr. Kingsley, is one illustration. Another is to be found in the fact, often noted and commented on, of the rapidity with which young men of New England, sent out as clerks or factors to Singapore, Manilla, or Calcutta, exchange their original physical and intellectual activity for the listless indolence of the native population. And, descending to the animal kingdom, it is said that the northern honey-bee, transported to the West Indies, ceases after the first season to make provision for the winter, and, laying aside its habits of industry with the necessity for exertion, becomes not only a drone, but a veritable pest to the community.

In the United States, on the other hand, the case is entirely different. We have, in the first place, no excess of population in proportion to the area of country inhabited; but, on the contrary, we have, as a source of abundance and a certain barrier against want, that which no nation of Europe possesses; namely, an almost unlimited supply of cheap, fertile We have such a variety of soil, of climate, and of crop, that a deficiency of food, which in very many civilized countries is ever a source of anxiety, is with us a matter of impossibility; for the very conditions which tend to reduce the aggregate of the crops in one section tend to increase their fruition in some other. We have, as it were, the monopoly of the staple textile fibre of the world's clothing. We have more of coal, the symbol and the source of mechanical power, than exists in all other countries. We have every facility, natural and artificial, for the transportation and exchange of products. We have a form of government in which the will of the people constitutes the law. We have, in short, all the conditions which give to labor its greatest productiveness, and to capital its greatest reward. And if to-day these conditions are not fulfilled; if there is not to-day unison between labor and capital; if there is not a sufficient degree of material abundance, and a sufficient equity in its distribution, to lift up life among the masses, and make it somewhat more than a struggle for existence, - then we shall be forced to one of two conclusions: either the obstacles which militate and prevent these results are all artificial; or that it is in accordance with the designs of Providence, that there shall always be a needy and dependent class, that there is a natural antagonism between labor and capital, and that the capacity of the earth for production is not adequate to meet the natural increase of the population that Providence has placed upon it.

Now, I, for one, fully accept the first of these conclusions, and wholly reject the latter. And although there is much about us which would

seem to indicate that the characteristic evils which affect society in the Old World are being transferred to the New; though the present tendency seems to be towards a concentration of wealth in a few hands, to make the rich richer and the poor poorer,—I nevertheless feel certain that the causes which have led to these results, and which for the present stand in the way of a greater abundance and a larger life, are wholly within our control, and essentially different from the causes which in Europe are recognized as working disadvantageously to the interests of the masses. To specifically enumerate them, and to point out the degree in which each is operative, may not as yet, through lack of reliable data, be practicable; but, generalizing broadly, three causes may be mentioned as especially militating against the augmentation of abundance in the United States:—

First, Failure to secure the proper and possible maximum of production in industrial enterprises which have long since passed beyond the domain of experiment.

Second, Inexcusable and inordinate waste in using.

Third, Inequalities in distribution, due to obstructions created by legislation.

I have thus reviewed, as briefly as the subject will admit, some of the principal obstacles which at present, in this country, seem to me to stand in the way of a greater material abundance, a more equitable distribution, and a larger life. Did time and opportunity suffice, an almost infinite amount of curious and interesting illustrations, drawn from our recent national experiences, might be given; but, apart from any further detail, the general results of our economic progress since 1860 may be summed in brief as follows: We have increased the power of production with a given amount of personal effort throughout the country, probably at least fifteen, and possibly twenty per cent. We have increased the cost of living within the same period, to the masses, to the extent of from thirty to fifty per cent. But startling as is this statement, the truth of which any man can verify if he will, the attainment of a better result is entirely within the power of society in this country to effect, if it will only avail itself of remedies whose simplicity and effectiveness long experience has proved beyond all controversy.

But herein consists the difficulty. Like Naaman the Syrian, we are anxious to be cleansed; but, like Naaman, we expect to be called upon to do some great thing, and experience a measure of disappointment when told that the simplest measures are likely to prove the most effectual.

In point of natural resources, Providence has given us all that we desire. And that these resources may be made productive of abundance,

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great and overflowing, to all sorts and conditions of men, there must be, first, industry and economy on the part of the individual; and second, on the part of society, a guaranty that every man shall have an opportunity to exert his industry, and exchange its products, with the utmost freedom and the greatest intelligence; and, when society has done this, we will have solved the problem involved in the relations of capital and labor, so far as the solution is within the control of human agency; for in giving to each man opportunity, conjoined with freedom and intelligence, we invest him, as it were, "with crown and mitre, and make him sovereign over himself."

## THE WORK OF SOCIAL SCIENCE, PAST AND PRESENT.

A REPORT BY THE GENERAL SECRETARY, F. B. SANBORN.

READ AT DETROIT, MAY 13, 1875.

Mr. President, and Members of the Association, — While bringing before you in brief review the transactions of our Association and the general progress in social science during the busy year that has passed since our last general meeting, an occasion may be found at the outset for recalling to your memory the beginning and the early history of the American Social Science Association, which is now in its tenth year, and working with great activity and amid a more general interest in its work than has ever existed before. There have been times when the number of our members was greater than now, and a year or two in which our pecuniary resources have been larger than during the last twelve months; but there has never been a period in which more intellectual activity and practical ability have been directed toward the problems of social science in America.

And yet when our original members, some of whom I see in this audience, revert in mind to the enthusiastic meeting in October, 1865, at which our Association was formed, they will perhaps remember with a certain regret, as I do, the warmth and eagerness with which we then launched for the voyage, and anticipated noble results from our venture. It was at the close of a long and sharp civil war, by which the national authority had been maintained, the national purpose vindicated, and the Republic restored, as we believed, to its auspicious birthright. We were no longer in danger of losing the inheritance of Washington and the fathers; and we rated at their full value all the additions to our national patrimony which the two generations since Washington had handed down to us, or carelessly flung at our feet. We felt ourselves in 1865 to be literally

"Heirs of all the ages, in the foremost files of Time;"

and there was little that we did not fancy ourselves capable of achieving. I fear we must confess now that we rather overestimated our powers: perhaps even it must be said, as Washington said in the ebb and slime of that gloomy period which followed the successes of the first American revolution, "We have thought too well of human

nature." For we have come into one of those seasons of political and social collapse when the worst and most ignoble aspects of human nature offer themselves shamelessly, even proudly, to our view; when the national life, viewed in some of its most conspicuous examples, seems

"Sullen and stagnant as the marshy pool
Whose side the rank sedge crowds, while the green ooze
Spreads o'er the shallows its soft, slimy veil."

But if our opportunity as disciples and missionaries of social science appeared (as it certainly did) more attractive ten years ago than it now appears, the need of our labors was never greater than in this very era of stagnation and corruption. "They that be whole need not a physician, but they that be sick;" and whether we are nursing the patient, or studying his disease, it is equally important that we should know its nature and remedy.

It has been objected to some of those who study social science, that they make too practical a matter of it, and rush at once to a remedy for supposed evils, instead of calmly investigating the conditions of the problem. The science of society is indeed one thing, and the art of regulating and improving society is quite another thing; and as Mill long ago observed, very justly, "It is not necessary, even to the perfection of a science, that the corresponding art should possess universal or even general rules." But he also added, still more justly, "To guard against the dangers or accidents to which our species is exposed by practical instructions founded on the highest branch of speculative sociology, will form the noblest and most beneficial portion of the political art." Hence the large share that philanthropy in its various forms has always taken in social science, - a share which I regard as most proper and legitimate. As to our main work, Mr. Mill has in another passage, written long since, laid down some wholesome propositions in order to vindicate the claims of social science, then but imperfectly understood. In the sixth chapter of the sixth book of his System of Logic we find these words: -

"Next after the science of individual man comes the science of man in society, of the actions of collective masses of manhood, and the various phenomena which constitute social life. It is but of yesterday, that the conception of a political or social science has existed anywhere but in the mind of here and there an insulated thinker, generally very ill prepared for its realization; though the subject itself has, of all others, engaged the most general attention, and been a theme of interested and earnest discussions, almost from the beginning of recorded time. . . . The science of society would have attained a very high point of perfection, if it enabled us in any given condition of social affairs, — in the condition, for instance, of Europe or any European country at the present time, — to understand by what causes it had, in any and every particular, been

made what it was; whether it was tending to any and what changes; what effects each feature of its existing state was likely to produce in the future; and by what means any of these effects might be prevented, modified, or accelerated. There is nothing chimerical in the hope that general laws, sufficient to enable us to answer those various questions for any country or time, with the individual circumstances of which we are well acquainted, do really admit of being ascertained. Such is the object of the Social Science."

Such is, no doubt, the ultimate object of social science, as Mill says; but it was hardly with such a lofty, philosophic ambition that our movement began in the spring of 1865. In August of that year, the Massachusetts Board of Charities issued the circular calling a meeting at Boston in October, in which certain subjects were specified as proper to be considered by the "Social Science League." The signers, among whom were those original and constant members of our Association, Dr. S. G. Howe, Dr. Allen of Lowell, and Edward Earle, said, —

"Our attention has lately been called to the importance of some organization in the United States, both local and national, whose object shall be the discussion of those questions relating to the sanitary condition of the people, the relief, employment, and education of the poor, the prevention of crime, the amelioration of the criminal law, the discipline of prisons, the remedial treatment of the insane, and those numerous matters of statistical and philanthropic interest which are included under the general head of 'Social Science.' An association for the consideration of these questions has existed in Great Britain for several years, including among its members many of the most eminent philanthropists and statistical writers of that country. Its published proceedings have been of great service to England and to the world."

It will be noticed that the subjects here specified were those coming more particularly under the notice of the Board which invited the meeting of October, 1865; but at that meeting (over which the lamented Gov. Andrew presided, in the last year of his administration in Massachusetts) a broader significance was given to the term "Social Science." The constitution there adopted declares that the objects of our Association are, —

"To aid the development of social science, and to guide the public mind to the best practical means of promoting the amendment of laws, the advancement of education, the prevention and repression of crime, the reformation of criminals, and the progress of public morality, the adoption of sanitary regulations, and the diffusion of sound principles on the questions of economy, trade, and finance. It will give attention to pauperism and the topics related thereto; including the responsibility of the well-endowed and successful, the wise and educated, the honest and respectable, for the failures of others. It will aim to bring together the various societies and individuals now interested in these objects, for the purpose of obtaining, by discussion, the real elements of truth; by which doubts are removed, conflicting opinions harmonized, and a common ground afforded for treating wisely the great social problems of the day."

In a report of a committee which drew up this original constitution, we find the following additional explanations of the

#### AIMS AND METHODS OF THE FOUNDERS OF THE ASSOCIATION.

"The persons composing it are expected to meet together, to read papers and pursue discussions, and to seek the assistance of those who have a practical acquaintance with reform, as well as that of purely abstract reasoners. They are to collect all facts, diffuse all knowledge, and stimulate all inquiry, which have a bearing on social welfare. It has long since been shown, that the man of science who confines himself to a specialty, who does not, at the very least, conquer the underlying principles of other branches of scientific inquiry, is necessarily misled, and cannot avoid frequent mistakes. To have any perception of the perspective of his subject, he must see it in its relation to other subjects. Something like this is true of those who investigate the necessities of society. If they associate themselves together, they have the advantage of each other's knowledge; they do not misunderstand their own relative positions; and they insure an economy of time, labor, and money. We would offer the widest hospitality to individual convictions, and to untried theories, provided only that such convictions and theories are the fruit of a serious purpose and an industrious life. To entertain the vagaries of the indolent would be at once undignified and unprofitable.

"Under the Department of Education will come every thing relating to the interests of public schools, universities, and colleges; to reformatory, adult, and evening schools; to instruction in the useful arts; to systems of apprenticeship; to lyceums, pulpits, and the formation of societies for the purposes of public instruction. In this Department will be debated also all questions relating to classical, linguistic, and scientific studies, in their proportion to what is called an English education; and the bearing of the publication of national and patriotic memorials upon popular culture.

"Upon the Department relating to public Health, a very large proportion of the popular interest will naturally be fixed. All sanitary and hygienic matters will come before it; and what the Sanitary Commission has learned in the last four years will be made available, through its action, to the people at large. The subjects of epidemics, of the origin and spread of cholera, yellow fever, and eruptive diseases, will be legitimately discussed here. It will consider all questions of increase of population, vaccination, ventilation of public and private buildings, drainage, houses for the poor, the management of cemeteries, public baths, parks, and public gardens, places of recreation, the management of hospitals and insane-asylums, the adulteration of food and drugs, all questions relating to the duration of human life, sanitary regulations of the army and navy, and all matters of popular interest connected with medical science. We shall look to our ablest physicians and surgeons for contributions to this department.

"Under the head of Social Economy we shall consider pauperism, actual rather than legal, and the relation and the responsibilities of the gifted and educated classes towards the weak, the witless, and the ignorant. We shall endeavor to make useful inquiries into the causes of human failure, and the duties devolv-

ing upon human success. We shall consider the hours of labor, the relation of employers and employed, the employment of women by itself considered, the relation of idleness to female crime, prostitution and intemperance, workhouses, public libraries and museums, savings banks and dispensaries. Here, too, will be discussed national debt, the subjects of tariff and taxation, the habits of trade, the quality of our manufactures, the control of the markets, the monopolies in the sale of food or the production of articles of common use, the value of gold, and all questions connected with the currency.

"In the Department of Jurisprudence we aim to consider, first, the absolute science of right; and, second, the amendment of laws. This Department should be the final resort of the other three; for when the laws of education, of public health, and social economy, are fully ascertained, the law of the land should recognize and define them all. Under this head will be considered all questions of the justice, the expediency, and the results of existing statutes, including their administration and interpretation, and especially their bearing on suffrage, property, privilege, debt, crime, and pauperism."

Unquestionably there are in this enumeration defects of analysis and classification, omissions, and matters that the lapse of time has rendered comparatively unimportant. Our experience has led us to divide the third Department into two, - the one for Trade and Finance, and the other for Social Economy, strictly speaking; and we have included in the latter some of the topics at first assigned to the Departments of Education, Health, and Jurisprudence, many of which have relations with all the departments. Substantially, however, it may be said that we are pursuing now the general course marked out in the report of October, 1865, above cited. In further illustration of what this course was, let me quote from the list of "questions proposed for discussion," mainly prepared in 1866, by our former President, then Corresponding Secretary, Dr. Samuel Eliot, to whose high intelligence, zeal, and industry our Association owes so much. These "questions" called for the following data, which were to be furnished by members of the Association who might choose to pursue special investigations: -

#### THE FINE ARTS IN EDUCATION AND INDUSTRY: DATA REQUIRED.

- 1. The experience of foreign countries upon this point.
- 2. What provision exists in our own country for extending the knowledge of the arts, or employing them in education or industry?
- 3. Statements concerning the possibility of opening public galleries of painting and sculpture in one or more of our large cities, and the establishment or extension of schools of design.
  - 4. Applications of the fine arts to American manufactures.
- 5. Statements respecting the development of the fine arts in industry, as opening new and suitable vocations for women.

#### THE HALF-TIME SYSTEM OF INSTRUCTION: DATA REQUIRED.

- 1. The localities and schools where the system is now in use.
- The actual results of introducing it in schools formerly taught on the old system.
- 3. The number of school-hours in each week, the number of studies pursued, and the number of different classes in schools using the half-time system.
- 4. The feasibility of introducing this system in communities where the old system is established by law and long usage.

## THE PROVINCE OF LAW IN REGARD TO EDUCATION, PUBLIC HEALTH, AND SOCIAL MORALS: DATA REQUIRED.

- 1. Statements of the effects of compulsory education, as contrasted with voluntary efforts to educate the people.
  - 2. The observed effects, and the practical limits, of sanitary legislation.
- 3. The effects of restrictions upon gambling, prostitution, intemperance, &c., imposed by statute and enforced by the police.
- 4. Statements respecting the qualifications, responsibility, and efficiency of the police, including the higher police, the minor officers, and the detective force.

#### THE SEWERAGE OF GREAT CITIES: DATA REQUIRED.

- 1. Facts concerning the sewerage of cities on tide-water.
- 2. The corresponding facts concerning inland cities.
- 3. Statements of possible means for extending the sewerage of cities to meet the wants of a rapidly increasing population.

## THE MANAGEMENT OF HOSPITALS AND INSANE-ASYLUMS: DATA REQUIRED.

- 1. Facts and principles of construction, with regard not only to arrangement of buildings and grounds, but also to extent of accommodations, and number of patients in any single institution.
- 2. Facts and principles of classification, with regard to the separation of different classes and individuals among patients, and (in insane asylums) the distinction of chronic and recent cases of insanity.

## NATIONAL DEBT AND A NATIONAL CURRENCY: DATA REQUIRED.

- 1. Statements of the national debt of the United States, as compared with that of other countries, both now and in former years.
- 2. The modes of contracting and liquidating a national debt, as seen in the experience of the United States and of other countries; with an especial view to the observed effect of a national paper currency, and the debasing of the current coin, on the increase and diminution of national debt.
- 8. The national resources, as advanced or checked in their development by a great national debt, and the limits of proportion between debt and resources, with a view to exhibit and define what is meant by national bankruptcy.
- 4. The facts which tend to show the true relation of gold and silver to a sound and manageable currency, especially such facts as have been elicited by the financial exigencies of European and American wars.

#### TAXATION AND REVENUE: DATA REQUIRED.

- 1. Statements of the methods of taxation and the amount of revenue collected in the several States of the Union, in the United States, and in the principal countries in Europe, especially since the year 1800.
- 2. The observed results of excise duties on trade and manufactures, particularly under the internal revenue acts of the United States; the historical origin and effects of income taxation in Europe and America, and similar information with regard to import and export duties, land taxes, bank and corporation taxes, tithes, postal duties, and generally of all methods of raising public revenue.
- 3. The tendency of sagacious economists and statesmen in Europe and America towards common principles of taxation, both for the advantage of the revenue and for the promotion of national industry and morality.

#### LABOR AND CAPITAL: DATA REQUIRED.

- 1. The amount and classification of productive labor in any of the States or in the United States, or in any of the countries of the world, the amount and modes of investment of capital in the same localities, and the present and past relations between labor and capital, whether established by law, custom, or necessity.
- 2. The observed effects on labor and on capital, of any change in the laws of labor required by law or custom for a day's work.
- 3. Facts relating to the causes and results of strikes among laborers; their effect on labor itself and on the capitalist.

#### CRIME AND PUNISHMENT: DATA REQUIRED.

- 1. The penal codes of different communities, and the changes made in them from time to time, and the reasons and results of such changes.
  - 2. Facts concerning capital punishment.
- 3. Facts concerning past and present systems of prison discipline, particularly with regard to the separate, the congregate, and the Irish systems.
- 4. Facts concerning the treatment of intemperance as a crime or as an evil; with a statement of the legal means employed to diminish it, and the result of such means when employed.
- 5. Facts concerning pardons and the pardoning power, especially with regard to conditional pardons, or "tickets of leave."
- 6. Facts concerning the criminal class in different States and countries, especially those bearing on the permanence and possibility of reformation of this

In the year that immediately followed the organization of our society much work was done; and many of the topics above mentioned, with others, were discussed at our general, annual, and department meetings. The first General Meeting for papers and discussions was held in Boston, Dec. 27 and 28, 1865, at which eight papers were read; the second General Meeting was a conference of the managers of reformatories, held in Boston, Westborough, and Lancaster, Mass., on three success-

ive days, the 5th, 6th, and 7th of June, 1866, at which eight papers were read. The second Annual Meeting was held at New Haven, Oct. 9 and 10, 1866, at which fourteen papers were read. Two Department meetings, at which eleven papers were read, were held in Boston in January and March, 1867; and at the third Annual Meeting, Oct. 9, 1867, five papers were read. At the first of the three General Meetings which we have held in New York, Nov. 19 and 21, 1867, twenty-eight papers and addresses were read. So that in the first two years of its existence no less than seventy-five papers were read before our Association, — a greater number than in any two years since. During this period of formative activity, our President was Prof. Rogers, who still permits us to call upon his experience as Chairman of one of our Departments. The services of our Secretaries were gratuitous, and our means of publication were very limited.

In 1868-9, under the Presidency of Dr. Eliot, a salaried Secretary, Mr. Henry Villard, was for the first time engaged; and the work of the Association was both extended and modified. It was then that we began to publish the Journal of Social Science, the first number of which appeared in August, 1869, and contained the papers read at the general meeting at Albany, Feb. 17 and 19, 1869. The second number appearing in April, 1870, contained the twelve papers read at the general meeting in New York, Oct. 27-29, 1869. The third number contained the Lowell Institute lectures on Social Science in the spring of 1870; and the fourth number, the papers read at the general meeting in Philadelphia, Oct. 25, 1870. During these three busy years, 1869, 1870, and 1871, besides these four numbers of the Journal, we published two valuable manuals, both the result of great labor; one on "Free Public Libraries," and the other a "Handbook for Immigrants." To the untiring devotion and industry of Dr. Eliot and Mr. Villard during this period, our Association owes much of its past reputation and present usefulness. It was at this time, also, that we secured the services of Mr. James M. Barnard as Treasurer; and for a single year, under his vigorous financial administration, and the stimulus of Mr. Villard's exertions, the income of the Association rose to something near \$10,000, including a special fund for the publication of the "Handbook for Immigrants." These efforts could not be maintained during the succeeding years, 1871, 1872, and 1873; and at various times within that period the question of discontinuing the Association was seriously discussed. Under the impulse given by the late Prof. Agassiz, by Mr. Barnard, and the other active members, this result has been avoided; and we seem to have entered once more upon a busy and prosperous career. The publication of our journal, which ceased for two years, was resumed in October, 1873, when the fifth number appeared; and two more numbers have been issued since the General Meeting in New York last May. In all we have published some 2,000 pages within the nine years of our existence, while the papers read at our nine annual and eight general and department meetings, and published elsewhere than in our journal, probably amount to 2,000 pages more; or an average in all of some four hundred pages yearly contributed by our association to the literature of social science.

Little as we are disposed to exaggerate the value of these contributions to the knowledge, and to the social, philanthropic, and political activity of our country, we have abundant reasons for thinking that what our Association has said and done has borne some fruit in these nine years. The civil service reform, so far as it has gone forward at all, has done so at the original suggestion and under the practical direction of our members, among whom may specially be named our former President, Mr. Curtis, and his successor on the Civil Service Commission, Mr. Dorman B. Eaton, whom you will soon hear in relation to it. In art education we have done our share; and this Association can perhaps claim, as confidently as any body of persons, the credit of setting on foot the movement which has led to the establishment of the Boston Museum of Fine Arts, now somewhat conspicuous for its unique exhibition of paintings of the Spanish school, and as the recipient of the art collections made by the late Senator Sumner.

The recent efforts to reform our methods of taxation, both local and national, which have become a general and deliberate movement in all parts of the United States, may be said to have begun with members of our Association; and this agitation has been carried forward more intelligently and persistently by our honored President (Mr. D. A. Wells), than by any other economist. The efforts put forth from time to time, since the civil war, to restore our currency to a sound condition, have been cordially furthered by the Association, and several of our members rendered timely and effectual aid, in the struggle of 1873-4, against the mischievous policy which would have "inflated" still further the paper currency of the nation. That crisis is happily over: the schemes of the inflationists are defeated; and the practical question now before the country is, how best to resume specie payments, and after how long an interval. May we not congratulate the Association for having not only deserved well of the country by what its members have said and written on this matter, but also by what they have done? "It is glorious," cried the Roman Senator, "to serve the Republic by deeds; even to speak well in that behalf is not a worthless service." Pulchrum est bene facere reipublicæ; etiam benedicere haud absurdum est.

A lively writer in "The London Examiner," who lately reviewed

the book of our countryman Mr. Nordhoff, on "Politics for Children," makes a few remarks on English education which may be quoted as having some pertinence in America also. He says,—

"In our most advanced schools there is often a class of what is called social The name is wide enough to include a good deal; but on inquiry it is generally found to mean plain political economy, with a dash of ethics to suit the taste of the teacher. It is often felt that the science of wealth by itself will give the pupils any thing but a true impression of their country. In order to counteract this, little sermons are introduced amongst the teaching, such as the benefit to the working classes of hospitals and other benevolent institutions. But either the pupils believe in the science, and laugh at the moral; or, what is more likely, they believe in the teacher, and regard the science as moonshine. The real points most important to keep in view - that the science of wealth is purely hypothetical, and that it only deals with one aspect of society - are entirely missed. What is wanted to balance the overprominence given to wealth in political economy is not a series of unauthorized contradictions, but another branch of social science which shall bring these matters forward. This branch is undoubtedly politics. Without going into controvertible topics, much might be explained of the form of our own and of neighboring governments, of the different methods in which the people have a voice in the government, of the different ways of making and enforcing laws, of central and of local government. Such lessons would show that a country's prosperity depends on something besides the production of wealth and a good system of taxation, or even a flourishing foreign trade."

It has been the effort of our Association, to supply lessons of this kind, and of more varied and wider application, not so much to the pupils in our schools and colleges as to the general public. But it is gratifying to observe that the instruction of the young in social science is beginning to be undertaken by such writers as Mr. Nordhoff, Prof. Walker, Prof. Sumner, Prof. Perry, and many other competent writers and lecturers. There is a wider range given in this country to what is known as political economy, and the connection of this with political science is more practical here, one would say, than in England or in most European countries. Mr. Nordhoff's present researches among the people of our Southern States are likely to prove no less valuable contributions to political and social science than the formal treatises of himself and others. If history is philosophy teaching by example, it is none the less true that the material of history to-day existing in the condition of our country is also social science in a concrete form. Some of the lessons to be drawn from this abnormal relation of one portion of the United States to the other have already been pointed out in the debates of yesterday. These, and others fully as important, remain to be searched out, expounded, and illustrated by all who would promote either social science or national prosperity.

Another question which has come to be a political issue in many of the States, and lately in Michigan, presents several aspects in which it may well engage the attention of the students of social science. I refer to the regulation by law of the sale of intoxicating liquors. — a perplexing subject, concerning which the interests of trade and those of public morality seem to be brought continually into conflict, and a conflict, too, that is apparently as far from being fairly settled now as when it first began. Our Association has hitherto refrained from treating the temperance question, except incidentally; but the recent legislation of Michigan concerning it presents the matter in a new light, and may perhaps open the way for a more satisfactory disposal of it than has heretofore seemed practicable. On this point, and in regard to the enlightened legislation of Michigan relative to penal and charitable establishments, the education of poor children, the sentence of criminals, the conditions of their pardon, &c., we have had pleasure in hearing what has been said by members of the State government in the Conference of Charities, and elsewhere. And we congratulate the State of Michigan on its attitude in regard to these important matters, on the intelligence and practical ability of its public officers. and particularly on the profound wisdom and good sense of a citizen of Detroit, Mr. Brockway, which has given this city a just renown throughout the United States, for the treatment of convicts and the repression of crime.

The attempt to reform prison discipline in America and in the whole world - a slow and arduous undertaking, in which young men may grow gray, and those of middle age may die before they see accomplished the good which they seek - has been from the first aided by our Association. It was in the first year of its existence (1865), that our distinguished associate, Dr. Wines, in company with Prof. (now Judge) Dwight, both of New York, made that tour of the American prisons which prepared the way for the first general movement that has been made for twenty years to improve the condition of these prisons; and it is to Dr. Wines that we owe the convening of the Cincinnati Prison Congress of 1870, the formation of the National Prison Association in 1871, and the assembling of the World's Prison Congress at London in 1872. Our latest publications show him still engaged in this great work, making arrangements, now in America and now in Europe, for gathering together a second International Congress in 1877, at Stockholm. For this work he has the commission of our Government, and to this he looks forward as the completion of the task he has assigned himself. The influence of the agencies he has either set in motion or brought into active unison are working a deep and powerful change in the direction which he has given them. The beneficial results we see in this and in many other countries. In the United States, where crime increases fast, and where the administration of justice is by no means what we could wish, there is at this moment, notwithstanding all that has been done in Michigan and elsewhere, greater need of a wise and vigorous prison system than anywhere in the civilized world. This fact has had its weight in determining the Association to give what time and effort it could spare to the prison question.

Anther question, closely allied to this, and even more important, that of public charity, — has constantly found a place in the discussions of the Association, which has succeeded, during the past year, in bringing into closer acquaintance and fellowship with each other the public officials in different States who have this matter in their charge. A Conference of the State Boards of Public Charity, invited to meet in New York last May, resulted in much active work. This will be continued, and its scope enlarged, by the Conference of yesterday and to-day, in which delegates from boards in New York, Pennsylvania, Massachusetts, Michigan, Illinois, Rhode Island, and Wisconsin, have cordially united, and have debated interesting topics. Several committees appointed at this and the preceding conferences are now engaged upon investigations that cannot fail to make more intelligible the problems that pauperism offers for solution in America. In this connection I would name with high praise the laborious inquiries into the causes and hereditary transmission of pauperism, now going on under the direction of Dr. Hoyt and the other members of the State Board of Charities in New York. Other boards and our own newly organized Department of Social Economy are working in the same direction. From all these sources of information, we gather the general and consoling statement, that, unlike crime and insanity, pauperism has not been increasing beyond the due ratio of population in the country at large; and that some of its former causes have been partially removed, or checked in their operation. On the other hand, new causes are developed, - the unnatural condition of our currency being one of these; and the past winter has added largely, in many of our States and cities, to the public expenditure for the relief of the poor. This being the case, it is with great satisfaction that we have witnessed the renewed and increased efforts of enlightened philanthropists to meet and turn back the advancing tide. The name of one of our members, a lady of New York, Miss Schuyler, deserves to be specially mentioned in this connection. With the cordial help of many persons, yet impelled more by her own energy and humanity than by any co-operation from others, Miss Schuyler has organized a society. - the State Charities Aid Association of New York, - which both

teaches and exemplifies a method of combining official with voluntary work for the relief of the poor, that cannot be too warmly commended. It is also worthy of mention, how strong is the inclination in other cities and States to imitate the example of Philadelphia in forming associations on a sound financial footing to promote the building of homes for the people, — one of the best means of preventing pauperism and of increasing the safety and prosperity of the community.

In the Department of Education much has been done, directly or indirectly, by our Association since 1865, to call attention to what our country needs, and point out practical ways of attaining thereto. Art schools and art museums, public libraries, the best system for colleges and universities, the health of pupils in public schools, the instruction of factory children in half-time schools and otherwise, the methods of teaching deaf-mutes and blind persons, the proper methods of school inspection, — all these, and many other educational questions, have received attention in the past year or previously. To all these interests, the death of our noble associate Prof. Agassiz has been a great loss, for which we find some slight compensation in the strenuous and successful efforts since made to complete the special work to which he so long devoted his great powers, — the establishment in Massachusetts of a national museum of zoology, and a school of natural history.

It was among the last wishes of Agassiz, that the broader work of our Association (to which he pledged himself so soon as his own special tasks had been accomplished) should be carried forward with energy. He was particularly in favor of the formation of local societies, even though they should consist of but two or three members, in all the principal cities of the United States, to consider the social science problems arising in each locality, and to utilize the talents of men residing at a distance from each other. Several of our local vice-presidents were elected upon his nomination; and it was at his instance that they were designated as "to preside over the affairs of local sections." Carrying out his ideas as they understood them, the Executive Committee, not long after his death, endeavored to frame a plan for the regular establishment of such "local sections," under the various names of branch associations, local departments, and corresponding committees. After much correspondence and discussion, and not without wide divergencies of opinion among the members of the committee. the brief plan was adopted, which was printed in Journal No. VI. (pp. 2, 3), for the information of our members, and has since been adopted in a modified form. Under it several local organizations have since been made; one of which, in this City of Detroit, has justified its establishment by the excellent work it has done in the past year. It is a matter of much consequence, that a persistent attempt should be

made to establish local departments and associations wherever they can be formed. So far from weakening the parent society, as some have feared, they will be found to strengthen it by giving us more members, a firmer hold on the people of the whole country, and a larger audience for what we may say and publish. For example: the Philadelphia Branch Association formed in 1870, which now has half as many members as we have, not only supplies us with its own publications, which are of much value, but gives a ready circulation to ours. I may add that this same Association, at a meeting of its Executive Committee on the 8th of April, invited our Association to hold its general meeting for 1876 at Philadelphia during the Centennial exhibition of next year.

The nature of the work done by the American Association since the last general meeting in New York will partly appear from the two recent numbers of our journal, containing some four hundred and twenty pages, and including nearly all the papers read at that meeting. An extensive correspondence has been kept up with all parts of the country, and many valuable documents have been received and distributed. Frequent meetings of the Executive Committee have taken place; of those members not present at these monthly meetings, nearly all have corresponded with the Secretary on the business of the Association. The office, No. 5 Pemberton Square, Boston, is kept open daily during business hours, and is a centre for much social science work of various kinds. During the last year we have been obtaining subscriptions to the Journal of Social Science from libraries and individuals, in order to dispose of the surplus copies which are printed above what our own members and those of the branch association will need. A small permanent subscription list of this kind would enable us to issue the Journal with more regularity. Thus far we have been quite successful in this undertaking; and if each member of the Association would secure us but a single subscriber, we should be placed beyond the necessity of raising in each year by subscription a special publication fund. The number of our members has considerably increased during the last year, and the response to our increased activity has been gratifying; but much still remains to be done before the finances of the Association are placed on a footing wholly satisfactory.

The relations between our Association and that long established for a like purpose in Great Britain are becoming closer each year. At the British Social Science Congress of 1873, we were well represented by Mr. Hamilton A. Hill, then one of our directors; at the Congress in Glasgow, 1874, by two American papers, furnished in response to an invitation from the British Association, which were read at Glasgow, and printed in the volume of transactions.

Other organizations for the promotion of social science in America, such as official boards of health and of public charity, the American Public Health Association (which held a very successful meeting last November in Philadelphia), the American Medical Association, the National Prison Association, the Associations for the Investigation of Insanity, the Care of the Inebriates, the Instruction of Deaf-Mutes, &c., are ready to co-operate with us; and the Young Men's Christian Association, through their representatives in New York, have assured us of their wish to do the same.

It has been our hope that we might serve, in some sort, as a connecting link between these organizations, so various in their aim and their methods; that, without trenching upon the special ground of any, we might interchange good offices with all, since all are working for the common good and within the same broad field which we cultivate. And we have with us to-day members of nearly all these Associations, as well as of the official bodies already mentioned, whose special function it is to consult about public charities and the public health. important feature of our general meeting in New York last year was the conference of boards of public health; and the publication of the papers prepared in that connection has been of real service to the community. Not less valuable have been the publications of these boards in their own States, those of the Michigan Board being entitled to warm praise for their practical no less than their theoretical value. I ought not to forget the pioneer organization in work of this kind, the New York City Board of Health, which has so long had the benefit of the skilful, unwearied intelligence of Dr. Elisha Harris in its Bureau To such competent and diligent experts as Dr. Harris of Registration. must we look for the gradual accomplishment of the wish of Dr. William Farr, the veteran Registrar-General of England, as expressed in a recent letter to our Association. Dr. Farr says, -

"I would willingly send you a paper on the interest the whole world feels in accurate returns of the births, deaths, and marriages of the United States, with such full particulars as are given by your younger sisters in Australia. You can only get this by one uniform system of registration for the whole Republic, here one and indivisible. I speak from a long experience, and feel that your sanitary and social progress depend very much on a registration as general and uniform as your census. The census returns of births, deaths, and marriages are very imperfect. You will in my absence, I hope, get up a vigorous action on this question in your Association. By obtaining an accurate record of birth (with age of parents), marriage (both ages), and death (with cause of it) of every American citizen, you will confer the greatest benefit on your country, and win for your Association a renown as lasting as the Republic itself."

It will doubtless be the pleasure of our Association, which numbers among its members such authorities in registration as Dr. Farr, Dr. Jarvis, Dr. Harris, Dr. Baker of Michigan, and Dr. Snow of Rhode Island, to carry out, as far and as fast as possible, the proposal of our English correspondent.

Among the topics of public interest which our Association has investigated during the past year, has been one with which the noble name of Florence Nightingale was long since connected in England, and which American ladies, inspired by her example, and moved by the suffering they saw about them, have been meeting in a practical manner in the cities of New York, Philadelphia, and New Haven, perhaps also in Detroit. I speak of training-schools for nurses, in connection with hospitals and other medical charities. A paper on this subject was read at our last October meeting in Boston, by Dr. Charles P. Putnam, and has been widely circulated. It described briefly the school established by Miss Schuyler and her friends at the Bellevue Hospital in New York, that established at the Massachusetts General Hospital in Boston by Miss Cabot and other ladies, and such other schools for nurses as were then known to exist in the United States. During the past winter these schools have gone forward prosperously, have increased the number of their pupils, and have learned by larger experience how to adapt themselves to the necessities of American cities. They will be found indispensable, as we believe, in all these cities; and they afford one of the most beautiful examples of the application to human necessities of both the art and the theory of what we call social science.

Perhaps I have already detained you too long, ladies and gentlemen of the Association, in these details and reminiscences of past labors, these propositions for future undertakings, which I conceived it my duty, as Secretary, to lay before you. But the study of social science leads us inevitably into a labyrinth of details, and involves much that calls for patience, perseverance, and method. Our specialty - or rather our universality, as it is the highest and most comprehensive of the sciences - is also, and for that very reason, the most perplexing and multifarious. We cannot expect universal attention, even when what we propose is for the universal good; we must be prepared, in our career as an Association, for much neglect, misapprehension, and prejudice. We must expect, also, to make mistakes in a pursuit so new, and as yet so little understood or practised. But no person can have even a glimpse of what social science really involves, without seeing, and with joy recognizing, how closely, how continually, it zonnects itself with all that makes existence on this earth sweet or even tolerable. "It is easy to die," said the stoic, "if there be Gods: sad to live if there be none." Our science has this advantage, as I conceive, over many of the physical sciences, that instead of drawing away the soul of man from the contemplation of spiritual things, and of the mutual dependence of mankind upon each other, social science, in all its aspects, stimulates us to a deeper sympathy with human weakness, a nobler conception of human possibilities, a more intimate reliance on that love and wisdom which are dimly seen or shine with heavenly light at the end of every vista in this brief journey of life.

### THE PROGRESS OF INTERNATIONAL LAW.

By James B. Angell, LL.D., President of the University of Michigan.

Read at Detroit, May 18, 1875.

THE object of this paper is, to state succinctly the gains which have been made in international law since the time of Grotius, to glance at the main obstacles which oppose its further progress, to call to mind the encouraging facts in its present state, and to inquire what is indicated by the present apparent drift of thought among statesmen and publicists concerning changes in the law.

- I. In reviewing the two centuries subsequent to the publication of Grotius' great work on Peace and War, I at once avail myself of the aid furnished to me by the summary which that high authority, Henry Wheaton, gives in his History of the Progress of the Law of Nations, of the changes wrought in international law between the Peace of Westphalia and the Congress of Vienna in 1815. The most important of the changes he names are as follows (I abridge his language):—
- 1. The general adoption of permanent missions, and the recognition of diplomatic privileges.
- 2. The exclusive dominion over particular seas was abandoned, and the right of search limited to periods of war.

[Could Wheaton properly say that in 1815, or even in 1841, when his work was published, England had abandoned the right of search, or as she called it the "right of visit," in peace? Not till her treaty of 1862 with us, or at best until the abandonment of the English claim by the Earl of Malmesbury, the British Minister of Foreign Affairs in the House of Lords, July 26, 1858 (see Halleck, p. 266), can this remark of his be unqualifiedly true.]

- 3. The universal right to use the Scheldt, the Rhine, and other great European rivers, was established as a principle of law.
- 4. The colonial monopoly was nearly ended; and so the question was settled as to the right of neutrals to enjoy in a war a commerce prohibited in peace.
- 5. The slave trade generally reprobated, though not universally abolished in fact or in law.
- 6. The laws and usages of war improved, and an advance made in securing privileges for neutral commerce.
  - 7. The unqualified accession of the States of Western Europe to

the law of nations, and the tendency of Mohammedan powers to adopt it.

8. In general, international morality and international law both advanced.

These are all unquestionable gains. The right of intervention to preserve the balance of power, Wheaton reported as undetermined. But Grotius flatly denied any such right. And whether we judge the practice of intervention by its historical results, or on ethical grounds, it may well be deemed an open question whether the world has gained by the abandonment of Grotius' doctrine.

Wheaton might have named other improvements hardly less important, which have arrested the attention of other writers.<sup>1</sup>

For example, Grotius asserts the right of a belligerent to demand liberty of passage over neutral territory,<sup>2</sup> which, in the interest both of belligerents and of neutrals, is now denied.

Again, he holds that a nation is bound to punish or deliver up criminal refugees, and says that in practice the rule is specially applied to political refugees. Nations do not now punish criminal refugees, deliver them up only by special treaty or compact, and do not deliver political refugees even in this case.

The two centuries of which Mr. Wheaton has treated were then fruitful of most beneficent changes in the law and in the spirit of obedience to it.

II. We come now to ask what gains have been made since the Congress of Vienna?

I answer: -

- 1. The right of search has been practically settled by treaties so as to be removed from the arena of debate.
- 2. All the great rivers of the civilized world have been opened: the La Plata in 1853, the Danube in 1856, the Amazon in 1866; the dues on the Elbe and the Scheldt abolished; and the principle is fully established, that the inhabitants on the upper waters have a right to use the lower waters of a river.
- 3. The system of international law has been extended not only to Turkey, but also in some degree to Japan and China. Christianity no longer marks the boundary of its domain. Its territory is as broad as the territory occupied by civilized man.
- 3. The entrance to the Baltic is free (since the payment of the sound dues to Denmark); and the Black Sea is open to merchant vessels.
- 5. There have been some important ameliorations in the laws pertaining to war.
  - (a) The citizens of one State are not regarded as the enemies of all
    - <sup>1</sup> Ed. Rev., April, 1848, article attributed to N. W. Senior.
    - <sup>2</sup> Lib. II., Cap. 2, § 13.
- 8 Lib. II., Cap. 21, §§ 8-5.

the citizens of the State at war with the first. Even Chancellor Kent, 1, Lec. 3, p. 66, sets forth the old and harsh doctrine. The principle that war is waged between *States* is now emphasized.

- (b) The doctrine of "free ships, free goods," is substantially adopted.
- (c) Privateering is practically abolished. Though we have not accepted the Declaration of Paris, it is probable we shall commission no more privateers. If we have occasion to resort to our "militia of the sea," we shall, I think, enroll them in the volunteer navy, as we did in our civil war, and thus gain most of the advantages and shun most of the evils of the system of privateering.
- (d) The doctrine of effective blockade is defined with tolerable clearness by the usages in our war, and is established. Pacific blockades, notwithstanding the advocacy of Charles Sumner and Heffter, are remanded to the limbo of paper blockades.
- (e) The confiscation of private debts, though resorted to by the South, and authorized by our government in the civil war, is altogether exceptional in modern times.
- (f) Though in the excitement of the actual strife there have been in many recent wars scenes worthy of mediæval barbarism, yet, on the whole, it may fairly be claimed that there is more restraint than formerly on the passions of combatants, and that there is a gradual approach towards the standard of action proclaimed in our codes. Especially has humanity won a marked victory in securing help for wounded and sick prisoners of war. The Geneva Congress of 1864 gave expression to the nobler feelings of modern times on that subject; and its spirit has been felt in all the camps and military hospitals of Europe.

III. The obstacles which have been, and still are, in the way of improvement in international law, are grave.

1. There is difference of opinion as to what are the sources of the law. The Continental publicists, for instance, are inclined to attach much less weight to the decisions of admiralty courts in making law, than the English and Americans. The language of treaties which have not always been kept, or which are at variance with other treaties, the wavering usage of nations, the conflicting views of publicists, furnish much uncertain and debatable ground for those who are determining law. Some minds are constitutionally inclined to attach much weight to historic precedents. Others are disposed to stretch law, as fast and as far as possible, toward their ethical standards. As there is no council authorized to make statutes for nations by formal enactment, and no judiciary empowered to decide what principles are to be taken as law, and what interpretation shall be put on the language of treaties and of treatiess, the embarrassments in improving the code are serious.

- 2. Again, a grave difficulty is sometimes found in the disposition of nations to lower the standard of action when dealing with weak States, and so to make troublesome and dangerous precedents. Unhappily there is a large stock of these ready at any time to be pleaded against the requirements of an advancing international morality.
- 3. And, still further, what may be termed a narrow national selfishness not only governs diplomatists in their negotiations, but too often colors the writings of publicists, and reduces their work from its true dignity to the low level of special pleading. When those writers whose function, in part at least, should be to hold before the world the ideals and the demands of justice, commit themselves to one-sided and partisan views of great questions of law, they set up a formidable barrier in the path of its progress.

If, moreover, we reflect upon the supposed antagonistic interests of nations in their varied intercourse, the wonder is not that the system of international law has advanced so slowly, but that it has made so marked progress as we have noted.

- IV. For, after giving due weight to the obstructive power which these obstacles are now exerting, the present aspect of affairs is very auspicious for the speedy improvement and more unqualified and hearty recognition of international law. Let us glance at a few of the encouraging facts:—
- 1. Our review of the gains already made shows us, that, important as were those which Mr. Wheaton credited to the two centuries between Grotius and the Congress of Vienna, the half-century since the Congress of Vienna has brought us as many and as signal gains as that whole period of two hundred years.
- 2. We have the solid fact, that all civilized nations now profess to obey international law, and law not made in the interest of one strong nation, but law inspired by justice. If the course of a nation is unjust, it is not avowedly taken in defiance of this law. The offender does homage to the law by arguing that the action taken is in accordance with law. If a shrewd State desires to enter on any new course, it seeks by some means to get a change in the law recognized by other States, or by publicists. Russia is to-day suspected of aiming to manipulate international Congresses so as to secure an expression in favor of certain changes she desires in the laws of war. This fact, if it be a fact, is a recognition of the authority of international law in our days.
- 3. I think it may fairly be claimed, that publicists are more and more lifting themselves in their discussions above the inspiration of merely national feeling, and are considering their great themes with the spirit of judicial impartiality. Phillimore does not hesitate to condemn in vigorous language many acts of the British Government; and

no one abroad is assailing the Three Rules of the Washington treaty, or our doctrine of continuous voyages, more vigorously than our own Gov. Lawrence.

- 4. I think that a substantial advantage is secured in the relative increase of the international legislation on subjects belonging to the peaceful relations of States as compared with those belonging to the belligerent relations. Compare a modern treatise with that of Grotius, and mark how much larger space is devoted by the modern writer than by the older, to the questions of navigation of rivers, use of harbors, privileges of fishery, expatriation and naturalization, extradition, patents, trade-marks, &c.; topics both in public and in private law. Upon most of these it is easier to reach terms of agreement than upon subjects which excite the passions of nations; and agreement on these helps prepare the way for agreement on more difficult subjects. The presumption, too, now is, that the normal state of mankind is peace, not war: the legislation therefore treats war as exceptional and abnormal.
- 5. And an harmonious understanding upon these peaceful subjects, and perhaps on some of the subjects belonging to war, is made more easy and certain by the increasing intelligence of the citizens of modern States, by their larger participation in the conduct of their governments, and by the closer commercial and social connections which are secured by our modern facilities for intercommunication.
- 6. There is a disposition to shape negotiations between particular nations, so as practically to facilitate legislation for the world. The Declaration of Paris was thus presented to all nations, and adopted by most of them. Great Britain and the United States made arrangements, in the treaty of 1871, to submit the "Three Rules" to other nations, and to invite them to accede to them. The gain of a few nations thus almost inevitably becomes the gain of others, if not of all.
- V. In addition to these recognized facts which are so prophetic of good, there are certain other important facts perhaps I might better say tendencies which are attracting the attention of publicists. Concerning the value of their influence there is much difference of opinion. Let us examine them, and see what helps and what hinderances, if any, they present to the progress of international law.
- 1. There is an increasing tendency, we may say a pretty general practice of publicists, to give, in their formal works, expositions not only of the law as it is, but to a greater or less extent of the law as in their opinion it ought to be. They not only tell us what usage and the ethical sense of nations have established as doctrines of the law; but they judge those doctrines by what they deem a proper ethical

standard, and suggest what modifications of those doctrines, if any, are required by a due regard for justice and right.

These writers are criticised by some, as pursuing the unscientific a priori method of Puffendorf, as being sentimentalists rather than students of jurisprudence, as assuming with self-sufficient complacency to evolve legislation for the world out of their inner consciousness. They fail to set forth, it is alleged, in a sharp, clear, positive way, what is accepted as law by the world; and, by mingling historical statement with their own speculations and moralizings, even add to the obscurity, already sufficiently great, in which a considerable portion of the law is now hid.

I think this habit of modern publicists to aim at something more than the declaration of the law as it is, to seek for the moral grounds on which, if at all, it is to be justified, and to suggest practicable improvements in it, is wholesome and helpful. It should be indulged in with sensible moderation. There is no necessity for obscuring the statements of the positive law by the criticisms of it which one may see fit to make. One would hardly think of mingling a More's Utopia with a formal treatise on the Rights of Nations; but the temperate suggestions of men so penetrated with the spirit of Christian morality and justice as Phillimore or Woolsey encourage and hasten the development of right principles. It is well for the eye of the diplomatists to be arrested and held by the torch of truth which such men lift up to them for the conduct of affairs. The voice of these unbiassed thinkers will command some respect, and in propitious circumstances will be heeded. There is no necessary conflict between what is called the historical school and the ethical school of writers. Allegiance to both is possible and commendable. As the work of publicists is one of the recognized sources of international law, it may with justice be urged that it is incumbent on them to set forth and urge such charges as they may deem salutary. At any rate, it seems clear that the spirit of most of the present generation of expositors is one which promises good results.

2. The question of framing a code of international law is one which is now earnestly engaging the attention of many distinguished publicists. A goodly number are, by zealous private labor and by public co-operation, striving vigorously to secure the completion and adoption of a code. Leading English writers and some Americans regard the plans as chimerical. It has been much debated, whether any thing would be gained by codification of municipal law, or of any part of it. Most of the arguments pro and con are as applicable to the codification of international as of municipal law. A full half-century ago, the learned German, Savigny, exhausted the arguments against the codify-

ing of the law of the State, in his work on "The Vocation of our Age to Legislation and Jurisprudence." The most important objections which he advanced, and which may be thought to lie against an international code, are the following:—

- (a) A code is necessarily incomplete, and cannot provide for cases in the future. As it is impossible to foresee the new circumstances which may arise, it is impossible to provide for them by specific rules.
- (b) A kindred objection is, that a code is inflexible, and that it necessarily perpetuates the ideas of the past or the present, and thus binds the future captive in the fetters of antiquated notions and rules. It is not plastic, does not easily shape itself to meet new exigencies.
- (c) It is maintained, that any nation or age which has the ability to perform the very difficult task of framing a code does not need one. A judge familiar with the common law does not require a formal codification of it in order to administer it. So the principles of international law which jurists and publicists are sufficiently agreed on to incorporate in a code which they could accept are not numerous, and are well understood. To codify them would be at best a superfluous work.
- (d) It is thought by many to be almost, if not quite impossible, to make a good code of the rules and principles in any branch of the law. Such persons doubt whether any thing has been gained in the administration of justice by the use of the codes which have been adopted in some nations. The annotations and interpretations of the French codes already rival in intricacy and voluminousness the reports of English courts.
- (e). In addition to these arguments which have been pressed against the codification of any kind of law, it is urged in opposition to the codifying of international law, that the governments of the world cannot now be brought to adopt any code. The movement is therefore at least premature, not to say superfluous.
- (f) And furthermore it is contended, that if they could be persuaded to adopt a formal code, and to be held strictly to all its requirements, there must be so many erroneous and incomplete rules, and so many terms and clauses susceptible of various interpretations, that controversy, anger, and possibly strife, would be fostered rather than prevented by the adoption of the code.

On the other hand, it is affirmed, and especially by Mr. Austin, that a code is not necessarily more incomplete, but may be made less defective, than judiciary law, and can quite as well promise for the future. If this is true, the advantages of codified law over treaty law may be more emphatically claimed. The latter is uncertain, discordant, and incomplete.

<sup>&</sup>lt;sup>1</sup> Vom Beruf unserer Zeit für Gesetzgebung und Rechtswissenschaft, 1814.

The objection that a code is inflexible may be met by the proposition to accord to it a generous interpretation, as Judge Story 1 proposed, in advocating the codification of the common law of Massachusetts, that the code should be interpreted and applied as a code of the common law, not as a code of mere positive or statute law; that it should be deemed an affirmance of what the common law then was, not as containing provisions in derogation of that law and therefore subject to a strict construction. So the international code might be interpreted with a wise regard to the sources of the law, and the consciences of nations.

In answer to the other objections noticed, it may be summarily pleaded that the rules which Dr. Lieber proposed for our armies, and the codes of Bluntschli and Dudley Field, furnish a fair presumption that an excellent international code can be drafted; that some nations, if not all, may be led to adopt it; and that at least the misinterpretations and misunderstandings could not be more frequent than those which spring from treaties, while, in the opinion of the advocates of a code, they would be fewer.

It is interesting to notice that a large proportion of the Continental publicists are disposed to favor a code, while the English are averse to it. This is doubtless due in some degree to the fact that the former are trained in the Roman law, and are familiar with codification in their municipal law. I judge that the proposal to unite upon a code meets with more favor in this country than in England, though it by no means commands a unanimous support here. I see no evidence that in any country the diplomatists and statesmen, who are actually charged with the direction of public affairs, are ready to sustain the plan with heartiness. I confess I see no immediate prospect of the adoption of a code by the nations of the world.

Are, then, the labors of the excellent men on both sides of the Atlantic, who are promoting the plan of codifying international law, useless? I think not. On the contrary, they are worthy of encouragement. Some admirable results must flow from them.

- (a) The very attempt to make a classification and statement of the principles in which nations are substantially agreed gives sharpness and accuracy to the general apprehension of those principles. It helps us draw the line clearly between what is settled and what is unsettled. It assists in giving us a clearer perception of the defects in our law as it is.
- (b) If eminent publicists, whose names give weight to their opinions, should be of accord upon such a statement of principles established,

<sup>&</sup>lt;sup>1</sup> Story's Miscellaneous Works, p. 716.

and further upon such a scientific statement of principles which, in their opinion, ought to govern nations in their intercourse, their code, consisting of these two parts, could not fail to exert a large influence in ameliorating international law. Rulers in times of excitement might heed them but little; but the ideas of right and justice, held steadily up before the world by men who are not visionary sentimentalists, but jurists and scholars of recognized talent and learning and character, must in due time make themselves felt. A code drawn and commended by only one man, however eminent, will avail but little; but if it is brought before a body of experts in international law, men of different nations and schools, and sanctioned by them, it will speak with an authority which will not be disregarded. I see no other method by which wholesome modifications in the practices of nations can be so readily and judiciously suggested, and so forcibly commended. If it is proposed to prepare a code to which nations are in council to submit themselves under pains and penalties, the project must at present be deemed chimerical, and the time spent on it is lost; but if the codifiers are simply making an orderly, scientific statement of recognized facts and principles, and coupling with it a similar statement of changes which they deem advisable on the grounds of right, justice, or general expediency, and asking the approval of these statements by the moral sense of the world, they are not only engaged in a feasible work, but in one which cannot fail to bless mankind.

3. In addition to the helps to be derived from codification, it is also expected by many that arbitration is to be much more largely employed than heretofore in the adjustment of difficulties between nations. Attention has been concentrated on this method of healing discords by the success of the Geneva tribunal in settling the questions growing out of the Alabama claims. The enthusiasm which was excited among all lovers of peace by the happy results of that arbitration not unnaturally led some persons to cherish extravagant expectations concerning the future use of arbitration. Their language would lead us to suppose that they almost indulged the hope that wars were now to cease, that resort to arbitration was henceforth to supplant the dreadful appeal to arms.

But sober reflection compels us to believe that the field for arbitration is limited, that this remedy cannot prove efficacious in preventing all wars, and that a permanent court of arbitration cannot succeed. Arbitration is by no means a new remedy. It was used by the old Grecian States with quite as much frequency as it is likely to be used now. In mediæval times it was very common to submit international questions to learned professors and jurisconsults for decision. But there are certain questions, and those the most vital, which no nation

would or could submit to arbitration. Such, for instance, are questions of national honor or insult or independence. Even Prof. Mancini, one of the most enthusiastic advocates of arbitration, in the brilliant speech which he made to the Italian Chamber of Deputies in November, 1873, just before they passed a unanimous vote in favor of a frequent resort to arbitration, expressly disavowed the intention of applying the principle to "questions of life and death, when the existence or the independence or the national integrity, in a word one of those absolute and fundamental rights which nature recognizes in all peoples, and which we cannot in thought separate from the very essence of any national life, is at stake." I suppose it is in the spirit of Prof. Mancini's statement of the scope of arbitration, that the Diet of Sweden and the United States Congress unanimously, and the British House of Commons by ten majority, adopted resolutions encouraging the appeal to arbitration in the settlement of international difficulties. Several of our treaties, as, e.g., that of 1858 with Chili, that of 1866 with Venezuela, and that of 1868 with Mexico, make provision for the proper use of arbitration. The learned Dr. Goldschmidt, in the paper presented by him at Geneva last year to the Institute of International Law, well said that "no tribunal could have prevented the contests between England and France in respect to the English claims to French territory, nor those of France and the house of Austria and Spain for the ascendency in Italy, nor the thirty years' war, nor the wars between Austria and Italy, between Austria and Prussia, between Germany and France, nor the great war in America. Neither Louis XIV. nor Napoleon I. would ever have consented to submit to arbiters their claims to domination over the world,"

A general standing court of international arbitration, appointed to administer a code, or to try cases by accepted law, seems impracticable. Dr. Woolsey, in a recent number of "The International Review," has well stated the objections, even to so ingenious a scheme as that of Mr. Dudley Field, the best which has been suggested. Upon questions which are not vital, upon claims for damages, upon a disputed boundary-line, when the settlement of it does not involve too much (as in our San Juan case), two nations may as the cases arise, either by treaty stipulation, or in accordance with recognized usage demanded by the moral sense of the world, call in arbiters. But this act presupposes a desire for strict justice, and an absence or control of passion, which are not always found even in the early stages of a controversy. I think great good has been done by the Geneva tribunal, by directing attention anew to this peaceful remedy, and by stimulating four great national legislatures to record their desire that it should be employed whenever practicable. These declarations, and those of many publicists.

who have anew commended arbitration to public notice, are salutary. It is well, however, that we do not expose ourselves to disappointment by expecting more from it than in the nature of things it is fitted to accomplish.

4. Finally we must notice, as one of the characteristics of our time, the very marked tendency of publicists, and to a certain extent of diplomatists, to meet in associations more or less compactly organized for conference on grave questions of international law. Several noteworthy meetings have been held in Europe within the last few years.

One of these associations may be said to owe its origin to a few of our countrymen. It is "the Association for the Reform and Codification of the Law of Nations." It has held meetings at Brussels and Geneva, and is next to meet at the Hague. The subjects of arbitration and codification have largely, though not exclusively, engaged its attention. Its sessions have attracted a large number of eminent men.

A meeting of the American members, held a few days ago in New York, decided to prepare work for the conference at the Hague, by asking the leading publicists, jurists, and statesmen of Europe, their opinions on the desirableness and practicability of reducing the European armaments, on the feasibility of a general treaty which should bind nations to the observance of certain formalities involving delay before beginning war, on adopting arbitration in settlement of national controversies, on recent progress in reform and codification of international law, and on preventing collisions at sea, and providing for the punishment of the guilty parties. The answers will furnish material for discussion at the meeting.

The Institute of International Law is a body of more limited membership than the Association, organized much like the learned academies in different countries. Its avowed object is (I quote from its statutes in the "Revue de Droit International"), to become the organ of the judicial conscience of the civilized world, to formulate the general principles of the science as well as the rules which flow from them, to aid attempts at codification, to obtain official sanction of principles which have been recognized as in harmony with the views of modern societies, to labor within its sphere either for peace or for the observance of the laws of war, to pronounce when needed judgments in doubtful or controverted cases of interpretation or application of the law, to contribute by every means to the triumph of the principles of justice and humanity which ought to govern the relations of peoples with each other.

This body has had two meetings, one at Ghent and one at Geneva, the proceedings of which are reported in the "Revue de Droit International," the organ of the Institute. At the Geneva meeting exceedingly able papers were presented. One on "Arbitration," by Prof. Goldschmidt of Leipsic, and one on the "Three Rules of the Washington Treaty," by Carlos Calvo, have reached us; but the Revue has not yet brought us the full report of the proceedings.

Are we to expect beneficial results from the labors of these societies? It is thought by some, that, as the membership consists mainly of professors and jurists, their work will not reach diplomatists, and shape the action of nations. The spirit with which improvement in the law is sought by the two societies is the same. Indeed, the members of the last are nearly all members of the first. They stand somewhat in the relation to each other of the American Academy of Science and the Association for the Advancement of Science. It is true, they can speak by no authority except that of learning and character. Sovereigns and States are under no obligations to heed their suggestions. But I believe that the clear and distinct utterance of these learned bodies on grave questions cannot be without marked a influence on public opinion, and so on the policy of nations. Their power is akin to that of certain universities in the middle ages; e. g., that of Paris in theological matters, and that of Bologna in law. If codification is to be perfected, it can best be done through the action of such a body of experts as the Institute, while the popular mind is perhaps most effectively reached by an Association like the other. But we may well wish large prosperity to both.

There have also been some diplomatic conventions, or congresses, which are worthy of attention. They have professedly had in view the amelioration of the sufferings of war. At the meeting in St. Petersburg in 1868, explosive bullets were condemned as cruel. At Geneva, humane rules for the care of the sick and wounded were agreed on, and the Society of the Red Cross was organized. These were all steps in the right direction. A striking fact has been the prominence of Russia in these conventions. Unhappily, the policy she pursued has awakened a well-founded suspicion that her motives are far from disinterested, and that, with the countenance of Prussia, she is eager to use these congresses to secure the adoption of principles which will give a great advantage to the powers that have large standing armies. Unless this suspicion is removed, the session at St. Petersburg is likely to be as fruitless as the last session at Brussels. Great Britain has declined to send a delegate to it. Other nations are distrustful of Russia's part in the movement; and, on the whole, little good is at present to be expected from this organization.

It is very clear that there is a strong tendency in Russia and Prussia at present to emphasize belligerent rights. Some fear that there is

just now a general drift in public opinion, back from the advanced position which has been held for some years, in the assertion of neutral rights. It is true, that the British House of Commons has just given a tolerant hearing to speeches in favor of cancelling the engagement of England made in the Declaration of Paris to recognize the doctrine, "Free ships, free goods;" but we cannot think that England will recede from her position.

There is also a tendency, among those who labor in the interest of neutrality and of humanity, to inquire whether some of the measures advocated by our most humane publicists are not calculated to aid the great belligerent powers of the world. It is claimed by those who oppose the three rules of the Washington treaty, that we, who have been so influential in enlarging the concessions of belligerents to neutrals, have here blundered into a dangerous enlargement of the responsibilities of neutrals, which will surely enure to our harm and to the benefit of belligerents. But Mr. Lawrence, and others who take this view, would stoutly disavow a retrograde spirit. On the contrary, they speak in the interest of humanity and neutrals. It is now questioned by some American publicists of standing, - and I confess I share their doubts, - whether we should longer press the proposition, so long and earnestly urged by our government that it may be called an American doctrine, to exempt private property of enemies under a hostile flag from seizure on the sea. So the doctrine favored by so able and exceljent men as Phillimore and Woolsey, that neutral governments should forbid their subjects to sell munitions to belligerents, meets with little favor from many humane men. The fear is, that both these last-named measures might result in giving still larger advantage to States like Russia and Prussia than they now enjoy, and, in fact, stimulate the maintenance of great military and naval establishments.

Some of the declarations of publicists, therefore, which are occasionally interpreted as indicating a re-actionary spirit against humane and anti-belligerent propositions, are really to be understood as made in the true spirit of international reform. While, then, we recognize the present unsatisfactory drift of opinion and action at St. Petersburg and Berlin, and indulge in no dreams of the speedy disarmament of the great powers, much less of the cessation of war, I think there is solid ground for looking with a cheerful and hopeful spirit upon the immediate future of international law. Never were the subjects with which it deals so widely and intelligently discussed. Never before were the best men of most of the nations of the world so intent on making substantial agreement on the principles which should govern the intercourse of nations. The visions in which good men like St. Pierre, Leibnitz, Raynal, Bentham, Kant, and many others have indulged, of

securing perpetual peace, may still remain mere visions. The extravagant expectations of some of the advocates of arbitration and codification may not be realized; wars as absurd in their origin as the Franco-German war may still be waged: but the civilized world has reached a point where, thank God, it prefers peace to war, where neutral rights will be guarded as jealously as belligerent rights, and where its publicists are sure to be sustained by the moral sense of the world in trying to shape international law so as to conduce to what are believed to be the true interests of humanity. However slowly cabinets and diplomatists or even armed nations may yield to the dictates of that moral sense, no cabinet, no sovereign, is now so strongly intrenched in the defences of absolutism, and no nation is so girded with fortresses, that it can altogether bid defiance to the demand of the intelligent and imperious public opinion of mankind.

# THE EXPERIMENT OF CIVIL SERVICE REFORM IN THE UNITED STATES.

BY DORMAN B. EATON.
READ AT DETROIT, MAY 18, 1875.

THE deliberate abandonment of a plan, by which a great nation had entered successfully upon the reform of its gravest abuses, may well arrest the attention of all thoughtful persons. Never before in our history has there been such a surrender of the higher to the lower elements in our politics. Heretofore, in every great struggle for reform, we have fought it out to victory upon the line of our advance, and have planted our standard high up in the light of the inspiring sentiment.

The reform of the Civil Service has been the subject of several papers read before this association, having for their object to set forth abuses, to develop a spirit bold enough to attack them, to suggest methods for their removal.

To-day the subject comes before us in a different light, — in a shade rather, — admonishing us to look back before we again move forward.

The administration, the party in power, the nation, have made an experiment of Civil Service Reform; and amid all the abuses, only diminished, it has been abandoned. The fair field of reform is deformed, obstructed, darkened, by the sombre ruin of this disastrous, humiliating experiment. The hopeful, patriotic spirit of the country is for the moment chilled; and the spoilsmen and the partisan leaders, more greedy by reason of a little fasting, and more impudent by reason of their triumph, look upon the future as all their own.

They are now demanding the offices, and the profits of controlling them; and, if not resisted, will appropriate them as the spoils of victory over the Civil Service Rules and the friends of reform.

If we have not been mistaken as to the need of better administration, if we are not prepared to tamely surrender to the influences that have just triumphed, it is plain that our first duty is to comprehend the causes of our defeat, and to gather thence instruction for the future.

It is certain that the advocates of the partisan methods of bestowing office will claim that the experiment was abandoned only because all methods but their own were found impracticable, only because all reformers were shown to be visionary doctrinaires, only because all rules similar to those adopted are repugnant to our republican institutions; only because the party ought to be freely allowed to pay its way with spoils, and the majority ought to be supreme, under our system.

These unwarranted claims cannot be put down by any simple denial, or mere appeal to principles. They cannot, indeed, be refuted by any evidence short of that which shall present the facts, the motives, the influences, the policy, the recreancy, the neglects, which led to the abandonment of the experiment.

In short, the humiliating truth is,—and it may as well be at once stated,—that the defeat and abandonment of the Civil Service rules were without justifiable excuse, involved the breach of a public pledge, and are a national disgrace. There are embarrassing and perhaps obvious reasons why I dislike to enter into the facts which justify these statements; but, on the other hand, every thing connected with the subject is of a public nature and of public importance. The common\_interests and safety of the people require that the public judgment to be rendered upon this experiment should be intelligent and just. All mere individual considerations are of trifling moment; and even the natural desire to preserve the fair fame of one's party, which I strongly feel, cannot justify the suppression of facts or the shading of truth. The only alternatives for those having, like myself, special means of information, are a calculating and cowardly silence, or a full and plain statement of the truth.

What, then, was the experiment tried, and what was its effect? What, if any thing, has been gained or lost for the cause of reform?

Why are the rules no longer enforced? What justification is there for such a breach of a public pledge? Who is responsible — what officers, what party, what portion of the people — for that breach? What conclusions ought to be drawn from this experiment as to the practicability and the proper methods of Civil Service Reform in the future?

These are the main questions to which answers are sought, and ought to be given.

II.

The experience by our early statesmen, of the Governments of the Old World, and of those in their own country down to the date of our Constitution, had made them jealous of the theory upon which they were based, and resolute in the assertion of the common rights of the people, but had not caused them to attach so much consequence to the question of administration; nor does there appear to be any evidence that it was foreseen that political contests would be sustained, and great par-

ties be cemented, for State and national efforts, mainly by the hope of the honors and pecuniary gains of office as so much spoils of victory. It is but a natural consequence, then, that the national Constitution should contain no clause especially provided as a protection against this greatest abuse and peril (except slavery) which has been tolerated or developed under it; nor should we be much surprised to find that it was very doubtful whether, under it, there was any authority to adopt measures for counteracting these unforeseen evils.

Indeed, the advocates of the spoils and patronage system of appointments and removals confidently maintained the theory that it would be unconstitutional to require that any class of appointments should be made from a small list of those competitors who had given evidence of the highest worth and capacity. When the Attorney-General, therefore, upon the adoption of the Rules, decided that theory to be untenable; and all the executive departments, and Congress also, acted upon his advice that such construction was in harmony not only with the usages of the early presidents, but with the spirit and language of the Constitution itself, — a free field was won for civil service reform, which survives all suspension of the rules, as one of the abiding facts of the abandoned experiment; as one of the reasons which prove that abandonment to have been without necessity.

It is not claimed that the early presidents and heads of departments formally adopted rules, thus limiting the arbitrary discretion of making partisan and mercenary appointments, by securing the offices to worth and capacity; but theoretically they proclaimed that duty, and practically they performed it. When all the offices of the executive department were less numerous than those at present in New York city alone, when all Federal officers in Washington were fewer than those now engaged in a single story of the treasury building, when the whole national revenue for a year was less than is now collected in a single city in a single month, it was easy for the president and heads of departments to personally examine into the individual qualifications of those seeking offices. That they faithfully did so, and did not make removals for mere partisan reasons, is beyond dispute. The people enjoyed the blessings of honorable and well-qualified officers and clerks for nearly forty years after the adoption of the Constitution. As declared in the last report of the Civil Service Commissioners, p. 23, no removals were made in the clerical force on account of mere opinions. During eight years Washington removed but nine persons (except for one cause); John Adams, during his term, removed but nine, and not one on account of opinions; Jefferson removed but thirty-nine; Madison only five; Monroe only nine; J. Q. Adams only two. These were officers confirmed by the Senate. Of what might be called the clerical

force, not one was removed save for cause, until Andrew Jackson was elected, when the era of political proscription began, from which we are now recovering. For partisan reasons, that President removed nearly two thousand persons in a single year. This was the inauguration of the spoils system.

And it is to that detestable system, so far as public opinion will allow, that we have returned.

#### III.

Let us here recall how the rules came to be adopted, and what are their provisions.

Political parties do not take up any new measure until they think it certain to add to their strength. To this rule the adoption of Civil Service Reform by the Republican party, in 1871, was no exception; though I doubt not that a sense of moral obligation in its ranks largely contributed to that policy. The birth, and in a great measure the strength and hopes, of the party, were in that sentiment. The party was pure and fresh from the fires of a mighty conflict, in which it had stood for justice and duty against numbers and selfishness, so grandly that it had won the heart of the nation, and gathered the choicer spirits to its folds. Even scheming politicians saw that the surer prospects of gains, and the better chances of power, were in the direction of the higher sentiments of the nation.

The honest and heroic patriotism which the President had brought from the battle-field had only been long enough in familiar relations with the monster of patronage to cause him to hate it; and even Congress was raised, for a time, to that exalted mood which enabled it to do, what had hardly been done by Congress for thirty-five years,—that is, to look upon the clerkships and minor offices as something more than the mere perquisites of its members. In short, the political atmosphere was pure, the time was auspicious.

The views of Mr. Jenckes and his co-laborers had already been adopted by many men of character and influence; and Mr. Trumbull, Mr. Morrill, Mr. Curtis, Mr. Schurz, Mr. Sumner, Mr. Edmunds, Mr. Frelinghuysen, Mr. Willard, and other thoughtful and able men in and out of Congress, could lead the higher sentiment of the Republican party in the direction of Civil Service Reform; and the movement was not without much sympathy and some support from the political opponents of that party. With great force and fearlessness, the disgraceful, appalling evils of the spoils system were set forth in congressional debates and in the public press. On the 5th of December, 1870, Pres. Grant in an annual message took the lead, and committed his administration and the Republican party to the duty of

reforming the Civil Service. He declared "that the elevation and purification of the Civil Service of the country will be hailed with approval by the whole people of the United States." Vice-Pres. Wilson declared in the Senate that "there is a public feeling in this country, founded in reason, comprehending the best interests of the country, which demands reform in the Civil Service."

On the 3d of March, 1871, a law was enacted, authorizing the President, with the aid of persons selected by himself, to propose and to put into operation rules and regulations for carrying such a reform into effect. Seven gentlemen, eminently qualified for that duty, were selected by the President; and Mr. George William Curtis was made their Chairman.

After careful study of the whole subject, and the most conscientious devotion to duty, in which they were aided by members of the Cabinet, they matured a system of rules. On the 19th of December, 1871, the rules, having been approved by the President, were transmitted to Congress by special message; and they went into operation on the 1st of January, 1872. After reserving the right to amend them at his option, when changes may be deemed advisable, the President uses this emphatic language; viz., that "if left to me, without further Congressional action, the rules presented by the Commission, under the reservation already mentioned, will be faithfully executed." Except in partisan and mercenary circles, the rules were received with that popular approval which the President anticipated.

At two separate Sessions, Congress approved these rules by making appropriations for carrying them into effect. It never made any criticism of them, though they were upon its table. It made not the slightest suggestion of a covert hostility, or so much as hinted that the President or the Commission had not rightly interpreted either its own enactment, the Constitution, or the spirit of the people. Each of the heads of the executive departments co-operated in the application of these rules to his subordinates.

So strong was the better sentiment of the nation in favor of the reform, that sagacious politicians of all parties perceived that it was to be a great power in the canvass of 1872. They rivalled each other in their bids for its support. The Republicans, pledged to it by a President, a Cabinet, a Congress, which they had selected, and by a paternity of which they appropriated the honor, naturally claimed all its fair fruits, and treated the other party as poachers on their domain and thieves of their thunder. And there can be no doubt that, in 1871, by far the greater portion of all those whose political virtue was high enough to support such a reform were in sympathy with the Republican party.

The Republican National Convention in June, 1872, contrasting the old with the new system, resolved "That any system of Civil Service under which the subordinate positions of the Government are considered as rewards for mere party zeal is fatally demoralizing,... and that they were in favor of a reform.. which would abolish the evils of patronage, and make honesty, efficiency, and fidelity the essential qualifications for public positions," &c.

The National Liberal Republican Convention, in the same year, resolved, 't That the Civil Service of the Government has become a mere instrument of partisan tyranny and ambition, and an object of selfish greed. It is a scandal and reproach upon free institutions, and breeds a demoralization dangerous to the perpetuity of Republican government. We therefore regard a thorough reform of the Civil Service as one of the most pressing necessities of the hour."

The Democratic Convention, in the same year, adopted a resolution in the same language as that last cited.

The National Labor Reform Convention resolved in the same spirit, and in language hardly less emphatic.

The State Conventions of that year generally recorded their judgment upon the great question of Civil Service Reform, approving the action of the President and the national platforms, in harmonious and eulogistic resolutions.

The Illinois Convention insisted that the Republican party "was the only one which, while in power, . . . had tried to destroy that infamous sum of all villanies, chattel slavery," and had questioned the dogma "that to the victor belongs the spoils of the vanquished." The Minnesota resolutions declared, that "the administration of Gen. Grant was illustrated . . . by his efforts to reform the Civil Service." The Convention of Massachusetts, in the exuberance of its delight, declared that, "Moved by an earnest appreciation of the fidelity and wise patriotism of Pres. Grant, in his efforts to improve and elevate the character of the Civil Service, 'we do most cordially recommend' that he be re-nominated." The Republican Convention of New Jersey declared "That we cordially indorse the appointment and labors of the Civil Service Commission, and the message of Pres. Grant thereon." The Republican Convention of New York resolved, "That the Civil Service ought to be reformed;" that of Pennsylvania and Western Virginia resolved, "That the President's plan for reforming ought to be approved;" that of Ohio, that the President's efforts in that regard ought to be lauded.

The popular orators of all parties proclaimed their devotion to the reform before the assemblies of the people; and the public journals bore the pledges of fidelity to every village and household of the land. The praise of the President and faith in him was in the hearts of all; and public gratitude was a part of the merited reward of Mr. Curtis and his fellow-commissioners. The popular breeze filled the sails of the dominant party; and the votes of a grateful and confiding people elected the Republican President, Congressmen, Governors, and minor candidates generally.

The more intelligent and unselfish portion of the people were unquestionably influenced by their faith in these resolutions and pledges.

They thought that men of trustworthy honor and courage were thus committed to the permanent support of the reform; they believed that the object of the long-unanswered prayer of their hearts, for a purification and elevation of the civil service, was about to be realized. They, and the worthy men who, at the expense of great sacrifices to themselves, were invited to aid in preparing and applying the rules, thought that a party once committed to so beneficent a work would not voluntarily abandon it.

How sadly, how disgracefully, have they been disappointed!

It is not suggested, it would doubtless be unjust to suggest, that any refusal to make an appropriation, any specious evasions of the spirit of the rules, any unwarranted indulgence of favoritism or nepotism in the use of the appointing power, any connivance at causes which would give plausibility to an open abandonment of the public pledge of reform, — much as their supposed existence has weakened the public confidence, — were among the mental reservations or forecasts with which such resolutions were adopted, and such victories were secured. The assurance and the demoralization incident to the long possession of power under conditions very unfavorable to political morality, and the seductive influences of ambition, flattery, and interest, may be sufficient to account for all that has happened. But, however that may be, these propositions are incontestable:—

- 1. That no official head of a nation, no congress, no party, ever before an intelligent people in a more absolute, solemn, and binding form, made a pledge of faith and honor to stand by and carry on to victory a great reform, by common consent vital to a nation, than is involved in the proceedings to which I have referred.
- 2. That nothing less than some insurmountable obstacle, some inherent defects of provision which no modification or addition could relieve, some pernicious effect in practice which would be nearly as bad as the evils sought to be removed, or some essential want of power, could justify or excuse the President, Congress, or the party, in the evasion or abandonment of the work of reformation to which they were pledged.

# IV.

But, before considering the excuses for the abandonment, let us see for what the rules provided; that is, what ideas of official duty, thus approved by the people, have been abandoned by those they elected.

1. Political assessments, which have always been imposed in aid of the mercenary interests of the most partisan elements in our politics, and which are incompatible with integrity and the requisite independence on the part of the public officers, were forbidden; but leaving every citizen alike free to contribute so much as he should wish to promote his political opinions.

- 2. The public places were so divided as to bring a few of those of the higher grade, which might fairly be claimed to represent the policy of those in power and the principles of the dominant party, within the range of that unconditioned appointing power of the President that must, it is conceived, be so far exercised in reference to such policy and principles as may be needful to secure harmony and vigor in the Administration; but in all the grades below, which were classified and grouped in aid of regular promotions, the places were required to be filled by selections from among a few ascertained by tests of character and qualifications which, in their nature and application, were irrespective of political opinions.
- 3. These tests were, first, the best attainable of good reputation and honesty: and, next, a fair public competitive examination of the several applicants, as to their attainments and capacity in those particulars which are essential to the proper discharge of the respective positions for which they might compete. These competitive examinations extended both to those seeking admission to the service, and to those seeking promotion.
- 4. Selections to fill vacancies and for promotions were to be made by the superior officers having the appointing power, from among a limited number of those standing highest on the lists, as the result of competition. The appointment was first to be made only for the probationary period of six months; final appointment being contingent upon good behavior and capacity demonstrated within that period.
- 5. To insure the necessary vigor and authority in the executive, and to avoid any suspicion of an intention to create a permanent term of office, the existing term was left undisturbed; and there was no further restriction placed upon the authority of removal than the pledge in the Rules that "such power will not be arbitrarily exercised, . . . nor will any person be removed for the mere purpose of making a place for any other person."
- 6. The examinations were to be so frequently conducted that all desiring to compete should have a convenient opportunity, and that there should always be a considerable number of those of approved merit and capacity upon the lists, from whom appointments and promotions could be promptly made.

The examinations were to be made by competent Boards of Examiners in the several departments, subject to the non-partisan supervision of the Civil Service Commission, whose duty it was to take care that the questions were well selected, that the processes were fair, and that all grievances should be exposed and redressed. Mere employees were not subject to examination; and there was a class of subordinate clerks, such as counters, and mostly females, to which they had only a restricted application.

- 7. To give scope for honorable ambition, and reward to unobtrusive merit, as well as to cultivate the spirit of just subordination, original admission to that part of the service which must be reached through competition was always to be to the lowest grade; and promotions were to be from grade to grade in the same department and group, subject to such reasonable right of transfer as the good of the Service might require.
- 8. Records were to be, and were, kept of every examination, and of the basis of rank assigned in the competitions, so that at any time, however distant, it will be possible to review the justice of the marking and grading of every person examined in each subject to which the examination may relate.

- 9. To check the abuse of Federal officers interfering so much in State politics, it was provided that no such officer should hold any State office at the same time that he held a Federal office.
- 10. Just above those grades to which such competition was applied (and which included the great body of the clerical and official force of the Government), and just below that small number of higher political officers as to which executive discretion was not conditioned, there was a number of officers, such as collectors, surveyors, certain postmasters, &c., not wholly exempt from the rules, but yet to which competition was not extended. The nomination of most of these officers was subject to the confirmation of the Senate, and to such it will be found very difficult to apply strict competition. It is hardly possible for the President to secure reform, as to such appointments, without either the hearty co-operation of the Senate, or the aid of a public opinion so stern and coercive that it shall help to arrest the evils of the old system, by which such appointments are substantially allotted, as so much perquisites or patronage, among the liberal Senators.

Here was the most difficult subject to deal with; and it is just here that the rules were the least satisfactory, and the spirit of hostile criticism and obstruction found their opportunity and their strength. Having been abroad at the time of their adoption, and without responsibility for the original rules, I might think myself without bias, and at liberty to declare any opinion that I have formed; yet I very reluctantly do so.

I think the extension of rules in any form, in the first experiment, to that class of officers, was at least of doubtful expediency. That reform was there needed, no one will question. But it is never expedient, even if safe, to make the line of attack too extended for the attacking forces. The radical method, however true and useful its spirit, may not always be the best. Between the methods of Garibaldi and of Cavour, of John Brown and of Lincoln, there is at least ground for a difference of opinion. It has seemed to me, in the light of our experience, however I might have failed to foresee the result, that it would have been wiser to have foreborne to so extend the rules before their utility had been demonstrated, where competition was their basis, or a vigorous and appreciative public opinion had been developed for their support.

Competitive examinations are just, public, and certain in their processes, and in the records they leave behind. But when, as was provided as to the class of officers referred to, the head of a department was to make a nomination, not on the basis of merit demonstrated by free public competition, but on the basis of the judgment of a board of examiners founded on certificates, I am compelled to think that inexpedient and incongruous authority and duty were conferred upon such boards. And the provisions requiring the President to appoint

from a small list, certified by a head of department, also on the basis of certificates, seems to me hardly less objectionable. There is no competition to bring the credence due to such certificates to a public test. There is nothing open to the public, either to serve as a check upon the appointing power, or to answer the hostile criticism which such a process is sure to call forth.

It was in the application of the provisions which I have criticised, that those unfortunate difficulties arose, - how far from the nature of the subject or the rules, and how far from any shortcomings of the President, I do not feel it would be useful to inquire, — that caused the first chairman to decide that he could no longer retain his position with usefulness and self-respect; and, as a consequence, the cause of civil service reform, which he had so greatly served and honored, in a critical period lost its leader; and all its enemies rejoiced and took courage at what they speciously interpreted as evidence of its intrinsic demerit, and of the want of sagacity and courage in its authors. It is due to Mr. Curtis to say that he never allowed his disappointment to arrest his pen in the service of the cause of reform; and it is due to the President to add that he declares that, in his acts which occasioned the resignation, he intended to be faithful to his duty. I do not care to attempt to state how much the reform was weakened by that most conscientious resignation.

It is the highest tribute to the wisdom and forecast with which the original rules were framed, that experience has shown so little needing change; and that their natural enemies have been compelled to resort to secret tactics, demonstrating alike hostility to the whole spirit of reform, and a conviction that the merits of the new system would stand the test of debate in or out of Congress.

It was the common conviction of the re-organized commission, of which Mr. Shellabarger and Mr. Eaton were made members in April, 1873, that, however great the danger that the party which had inaugurated the reform would desert it, they ought to stand by it to the last. If it must go down, the interests of the future required that its methods, its influence, and its defects, not less than the causes of its failure, should not be left in doubt. To allow the mercenary partisans of politics to take a judgment by default to the effect that the rules perished of the inherent impracticability of their principles, or by reason of their essential repugnance to republican institutions, would have been a tenfold greater calamity than evidence of their being suppressed by congressional connivance or by partisan intrigue.

Besides, there were some damaging defects in details, which were susceptible of remedy.

In that view, the re-organized commission recommended rules to the following effect, which were promulgated by the President:—

- 1. A rule requiring written evidence of fitness in reference to every appointment before it should be made, and the preservation of such evidence in the proper department.
- 2. The rule already cited, as to the tenure of office, and prohibiting removals for the mere purpose of making places for others.
- 3. A new rule providing for examinations in each of five separate districts into which the country was divided; with such arrangements for examinations at several convenient places in each district, and for allowing appointments to be made from the competitive lists of each, that the officers could be fairly apportioned over the whole country. This removed the formidable objection that the rules tended to centralization, and encouraged office-seekers at Washington, so long as all examinations must be held there.
- 4. Appropriate rules for taking the whole light-house service of the country out of politics and favoritism, and for testing by impartial methods those faithful qualities and special capacities so essential in that branch of the service upon which the safety of life and property so greatly depend.

The re-organized commission also obtained, for the first time, full reports in writing from the heads of all the bureaus and offices in Washington and the city of New York, — where alone the Rules had been applied, — setting forth in detail their practical operation and effect; and in the report to the President in April, 1874, the commission made a full statement of all the methods and results of the reform to that date, which, on the 18th of that month, was transmitted by the President to Congress in a special message. In this message the President declares, "That the rules, as they have been enforced, have resulted beneficially, as is shown by the opinions of the members of the cabinet and their subordinates in the departments; and in that opinion I concur."

The message requests "such appropriation as may be adequate to continue the work in its present form." The amount needed was twenty-five thousand dollars a year.

If it were the special object of this paper to vindicate the utility of the methods of reform thus approved by the President, it would be easy to set forth the facts which abundantly sustain the opinion expressed in the message. They show that the prospect of attaining those officers within the range of the Rules was becoming associated in the public mind with personal worth and attainments; that it had been found easy to apply the methods of competition with precision and justice; that examinations had been conducted, not only at Washington and New York, but in Cincinnati, St. Louis, and Savannah, with great facility, economy, and success, at which young men and women of worth and intelligence had earnestly competed together; that original admission, as well as promotions, under the Rules, had brought not only a better grade of qualifications into the public service,

but had stimulated an honorable and salutary rivalry for positions thus placed within the sure reach of merit; that the coercive power of caucuses and conspiracies to dictate appointments and removals had been diminished; and last, but not least, that there were unmistakable indications that the general tendency of the new system here, as it has been in England, was to stimulate education, and enhance the value of character, in the same degree that the Government appeared in the market seeking and honoring such qualities for its service, while it repudiated favoritism, and refused to be coerced by spoilsmen.

It is true, there were defects to be supplied, there were minor objections to be removed, there were prejudices in favor of old methods to be reconciled; there were unwelcome curtailments of authority on the part of officers who had, of course, lost as much of their arbitrary power of favoritism and patronage as had been gained in the assured opportunities of merit; and naturally these results caused some hostility and opposition. But, on the whole, the success and the promise were such that it could be truly said that firmness, fidelity, and courage were the only conditions needed for a grand, final triumph over the spoils system. Of course, the natural friends of that system, — the extreme partisans, the mercenary journals, and the little organs of the great demagogues, the politicians by trade, the office-seekers and office-jobbers who hoped to rise by the caucus, and by the promise of places, the whole class of those who have no conscience and no faith beyond the will of the majority, — all these were hostile and alarmed.

But the proof, that such had been the effect of the new system, is not merely a logical deduction from the facts, or an opinion of the President and of the members of the Commission. It is sustained by the best evidence of which the case will admit, — by the deliberate opinion of the highest officers best knowing the facts, and most competent to judge. For the Cabinet itself, at a special meeting, formally adopted the following language in the Report (of April 15, 1874, p. 42), as fairly stating the results of the Rules: viz., —

- "1. They have, on an average, where examinations apply, given persons of superior capacity and character to the service of the Government, and have tended to exclude unworthy applicants.
- "2. They have developed more energy in the discharge of duty, and more ambition to acquire information connected with official functions, on the part of those in the service.
- "3. They have diminished the unreasonable solicitation and pressure which numerous applicants and their friends, competing for appointments, have before brought to bear upon the departments in the direction of favoritism.
- "4. They have, especially where competition applies, relieved the heads of departments and of bureaus, to a large extent, of the necessity of devoting, to

persons soliciting places for themselves or for others, time which was needed for official duties.

- "5. They have made it more practicable to dismiss from the service those who came in under the Civil Service examinations, when not found worthy, than it was, or is, to dismiss the like unworthy persons who had been introduced into the service through favor or dictation.
- "6. They have diminished the intrigue and pressure, before too frequent, for causing the removal of worthy persons for the mere purpose of bringing other perhaps inferior persons into the service.
- "7. And, for such reasons, those officers think that it is expedient to continue the reform upon the method upon which it has proceeded, making from time to time such modifications in details as experience may show to be most useful."

Such were the Rules which the President had caused to be prepared and enforced under a law of Congress, and such their practical effects, which, in April, 1874, the President brought to the attention of that body by special message, with a request for a further appropriation for carrying them into effect.

V.

We have now reached a crisis in the fate of this experiment. The most hopeful could not be blind to the portents of peril, not from any thing intrinsic to the reform itself, but from the waning morality and patriotism of the party upon whose support it relied.

In the three years since 1871, that party, or at least its managers, had suffered an eclipse of faith in the higher sentiments. Confident and arrogant from the long possession of power, it had more and more fallen under the control of leaders and officers given over to partisan and mercenary ambition. Sad evidence of this was on every hand. The unworthy officers and the scandalous abuses which disgraced the administration in several of the reconstructed States; the mercenary greed and arbitrary methods of revenue officials, which alarmed and alienated the most upright citizen at the great financial Centres; the confusion and flagrant disregard of economy and justice, at the very doors of Congress, in that district where its power was supreme; the disclosures made by the Crédit Mobilier investigation, which damaged so many fair reputations, and tainted the whole atmosphere of national politics; the so-called "Salary Grab," which showed how disastrous it is for party managers to fall below the moral tone of those they attempt to lead, - these are but specimens of the many proofs of a demoralization in the dominant party, perilous to any measure whose strength is in public virtue.

But for such demoralization, benumbing the common-sense of duty to stand by a public pledge, and blinding those affected by it to the plain indications of a retribution near at hand, it would be impossible to explain the levity and the recklessness which characterized the treatment of Civil Service Reform by the party leaders both in and out of Congress in 1873-74. Such was the infatuation, that all but a few firm spirits acted as if they had forgotten, and wished to forget, that the Republican party had, only two years before, solemnly pledged itself to accomplish this reform; that the method proposed had been sanctioned by its President, its Cabinet, its Congress, its Conventions, State and federal; that whether the method adopted was wise or unwise, narrow or shallow, it was the best its wisdom could suggest or its morality support; that, good or bad in its effects, it was a work by which and according to the execution of which the people would judge its authors; that, for evil or for good, its fate would be a barometer of the political virtue of a party which had a glorious record, and would be accepted abroad as a test of the amount of unselfish patriotism which a republic could develop.

In narrower spheres and meaner ways, the same debauched sentiment was equally manifested. The local organs of official and caucus demagogues, which, to get votes, in 1872 had lauded the reform and its authors, now declared it to be finical, impracticable, useless, — the production of theorists and doctrinaires who desired to promote bright schoolmasters and to depress party patriots. Notorious champions of Sanborn contracts and moiety spoilsmen, in the pretended interests of the soldier and of patriotism, attacked the rules which the great general of the army had promulgated, and which the resolutions of their party had two years before declared to involve the fate of the country.

Little demagogues and sinecure officials everywhere tried to make it appear that the Civil Service Commissioners were alone responsible for the Rules, and insisted that those who stood by a public pledge and for a public duty, rather than those who connived at repudiation, and sighed for a return of the spoils system, were fit subjects of ridicule and pity. While one set of partisans daily besieged the President and the members of the Cabinet with dolorous complaints of party losses of funds and of places, by reason of the Rules which forbid assessments upon clerks, and gave appointments to merit, another set filled the journals and the air with statements that the reform was so narrow and the rules so loose, that they were unworthy the support of a great party; indeed, only deserved the contempt of men ready to fight like hyenas over every appointment to a country post-office, to a village collectorship, or to a seashore light-house. As specimens of what often occurred, I may say, I heard one member of Congress, while seeking patronage at the Treasury, declare that his election cost him \$1,000. which he thought it hard that he could not collect by such assessment

in his district; and another urge the removal of a faithful light-house keeper, to make way for an active politician, who he said, if elected, could control in his favor the votes of a hundred boatmen, fishermen, and light-house dependents. In face of the incontestable fact, that in England the application of similar rules for the selection of officers, supported by Mr. Bright, Mr. Fawcett, Mr. Lowe, Mr. Mill, Mr. Forster, Mr. Gladstone, and all the great liberal leaders and friends of equal rights, has purified her administration, and contributed more than any other means to promote republican principles, and to destroy the monopoly of the privileged classes, Republican orators and officials were listened to while they stultified themselves, and paved the way for the defeat of the party, by speciously insinuating that the Rules were aristocratic in spirit, and hostile to the genius of our institutions.

But I forbear any further evidence of decay in the moral tone of a party dear to me, and which, I trust, will yet rise to the level of its earlier achievements.

# VI.

The opening stages of the session made it plain that the congressional majority was not guided by a statesmanship, or animated by the controlling moral sentiment, required for the support of a great reform. Though with a membership in a rare degree unsullied by jobs or scandals, and honored by some men of rare virtue and ability, this Congress yet showed a great want of experience, and was alternately either insubordinate or strangely ready to follow that presuming spirit who believed in patronage and spoils.

Various bills were presented, and especially one by Mr. Smart, which seemed to have the double object of getting rid of the rules while avoiding the disgrace of repudiation, and of securing patronage to members without openly demanding it. The secret aim of this bill seemed to be, to apportion among the members of the House all the appointments below Cabinet officers and foreign ministers, not already appropriated by Senators. It actually provided for assigning a numerical proportion of all clerks and employees to each congressional district, and for their nomination by its representative; a measure which would have placed the executive at the mercy of Congress, and made the fate of every clerk and employee dependent upon congressional elections and favoritism.

There was appointed, for the first time in the House, a committee on Civil Service Reform; but, instead of placing at its head any friend of the reform or of the President, the Speaker selected for that position a pliant politician from Connecticut, with no convictions which interfered

with pushing his friends in violation of the Rules, which he damned with his own faint praise, while he taught the rest to sneer. There was an able minority of sincere, worthy men on the committee; but the majority sympathized with the chairman, and did nothing to strengthen either the President, the party, or the reform.

In view of such facts, the members of the commission could not fail to see that the future was precarious. It was open to them, to resign from a position which they had not sought, and in which, with much pecuniary loss, they were made the subjects of misrepresentation and ridicule; or, to stand at their post of duty at all hazards. They resolved upon the latter, and, to make one more appeal in behalf of fidelity and duty, to present the facts so fully before Congress, that, even if it should repudiate the reform, its practicability and its principles would be demonstrated.

Their report therefore presented the theory and history of the Rules, not as a panacea, not as a device for creating public virtue, not as sufficient in themselves; but as correct in theory, as in harmony with our institutions and social life, as having accomplished some good, as being as comprehensive as the public virtue would sustain, as capable of being deepened and broadened in the direction of public abuses, as sure, if abandoned, to bring discouragement and dishonor.

In presence of the tendency to smother the subject, the report told the President and Congress that the "issue was fairly raised, and that the Rules should now be regularly enforced or openly rejected." Every objection that had been urged against the new system was answered both upon fact and upon principle; and an open discussion by its enemies was challenged. The whole theory of Mr. Smart's bill and of analogous bills was arraigned, and shown to be opposed to all sound principles of government, repugnant to the Constitution, demoralizing in tendency, impossible in practice; as sure to degrade congressional elections, and to convert the whole clerical force of the Government into scheming politicians bound to take part in self-defence, in every local election.

Instead of humbling themselves before the President, and telling him he had done every thing that he could or should do, as some respectable journals without warrant declared; instead of telling the President that he might honorably abandon the reform, or of opening the way for him to do so, as his political enemies and the partisan leaders desired, — the report merely asserted that "the criticism of his acts was in great measure unjust, and the opposition in great measure

<sup>&</sup>lt;sup>1</sup> Here, as elsewhere, I speak upon my own understanding of the facts, and without consulting any of my associates, so that responsibility for my language belongs to myself alone.

selfish and corrupt;" and it also declared that "the President" was committed "to the reform, in the forum of an exalted position, pledging before the people of the United States and the civilized nations, his country, his office, his party, his honor, judgment, and reputation; that, however others may withdraw or surrender, it would seem to be impossible for the President to do so, unless the experiment should fail to be a benefit to the people."

It was not thought useful or fit for the commission to say more, or to speak plainer.

The Smart bill, and all others for respectably covering the retreat in Congress, fell dead. No member made an attempt to answer either the facts or views of the President and Cabinet, or the general reasoning of the report. What could not be met was to be evaded. Without a substitute, without a debate, without a calling of ayes and noes, without any avowal of a policy or any assignment of reasons, without one manly protest even, the Congress of the United States—the party in power—adroitly attempted, by refusing a small appropriation, to smother a measure of reform thus successfully carried forward under its own enactment, for which its President and Cabinet appealed, and upon the faith of which an election had been carried.

There are no more humiliating pages in the records of Congress than those which record the consummation of this policy. If there were some members who had little earnestness for the reform, because it was too narrow, or too feebly executed by the President, why did they not stand up and manfully declare that reason on the floor of Congress, and demand a reform becoming the people and country? If there were any who thought they could refute the reasoning or the facts of the report, why did they neglect so fit an occasion to do so? If any had faith in the spoils system, or thought the fate of their party depended upon bestowing places upon poor politicians, and collecting assessments from poor clerks, why had they not the courage to defend their theory? It was this want of fearless speech, this evading of a great issue, this servility to a pervading, demoralized sentiment, this cringing before the majority and the President, this infidelity not merely to the principles involved in the Rules, but to the spirit and principle of all faith and all reform, which destroyed the confidence of the people, made inevitable the defeats that have followed.

It is true that Congress at the same session defeated the Sanborn contracts and the moiety system, and investigated the Washington frauds; but it is also true, such measures were forced upon it by the same higher, non-partisan sentiment which demanded a general Civil Service Reform, and now demands it; and it was further true also, that

those who purified those little fringes on the vast network of official corruption, seemed not at all conscious of their own absurdity, in claiming so much honor for such acts, at the very moment they were repudiating the great work of reform by which they stood pledged to purify the whole web of corruption, to tear up by the roots the entire spoils system, of which the pillagers of Washington, the venal, incompetent collectors, and the greedy robbers of the unwary merchants, were the inevitable fruits.

It was in vain that a large majority of the Senate tried to arrest the policy of the House. The exigencies of a conference committee speedily consummated the purpose of repudiation.

#### VII.

Even if the greater responsibility for the disaster rests upon Congress and the party managers, it may be asked if the President had been without fault. Though by no means able to justify the extreme and indiscriminate censure bestowed upon him, especially by those influential journals which at one time did so much for Civil Service Reform. but whose disaffection did so much to weaken it after the Presidential election, I yet hold it true that the President gave sad occasion for criticism, and that he has been the cause of most of the trouble the reform has cost him. It may be doubted whether, when he entered upon the work, he took the full measure of its difficulties, or anticipated the need of so much self-denial and so much resistance of solicitation as it was sure to demand. The language of his first message on the subject, which says that the purification "of the Civil Service will be hailed with approval by the whole people of the United States," is at least far from what an experienced politician would have anticipated; for not a few of the people desired the spoils system to continue, and were as much opposed to such purification as burglars are to a good police, or slaveholders were to emancipation. It was, for the ease and success of the President's reform, a first condition, that he should always stand firmly by its natural friends, and sternly repulse its natural enemies. To accomplish such a reform, he needed the zeal, the selfdenial, and the persistency, of the true reformer. He must not only be beyond reproach, but beyond reasonable criticism, in the disinterestedness and wisdom of his appointments. He must allow no doubt of the inflexibility of his resolution, of the sincerity of his motives, of the disinterestedness of his action. No one can claim that he substantially fulfilled these conditions. Sometimes to those near him by the ties of blood, oftener to those near him by the ties of friendship, he was obviously partial. In striking cases, when the spirit but not the letter of the rules was involved, he sadly fell below the duties of his

position, and gave his enemies dangerous opportunities of attack. Pressed by partisans, he did not, as he might easily have done, wholly put a stop to assessments; and yielding to his sympathy for the soldier, and to his love of obliging his friends, he tolerated departures from the rules in the lower grade of clerkship; but, far worse than all this, his unenthusiastic nature failed to give the impression of his real earnestness in the cause; and he never took it up with that stern resolution which its magnitude and the power of its adversaries demanded; never made those adversaries feel the force of that mighty will which on other fields had made his enemies tremble, and inspired his friends with courage and confidence. Public confidence was withdrawn.

Had the President but said to those who urged him to violate the rules, or to wink at their violation, "I am committed to this policy: my honor, my duty, the honor and interest of the party that elected me, and, what is far more sacred, the honor and interests of my country, require me to enforce that policy; and I will enforce it during my term, whoever else may tamely surrender to the spoilsman," there would have been a noble triumph assured: his tormentors would have been abashed, appropriations would have been voted, his reward would have been the blessings of his country; and, long after the bloody glories of his military campaigns had faded, he would have been remembered as a statesman and a benefactor, who carried through a civil reform which required a better courage than was ever tested on a battle-field.

Still the President is entitled to justice, which will award him no He was the first President who had the moral courage and the disinterestedness to attempt the overthrow of the spoils system, and he was the last of the great forces of his party to leave the field. He sustained the contest amid the most outrageous aspersions of his motives, and faithfully repulsed the solicitations of friends and partisans, beyond the example of any of the late Presidents. Senators and Representatives, heads of bureaus, Collectors, and officers of every grade at Washington, and from all parts of the Union, in instances innumerable, appealed, intrigued, threatened, in vain, to induce him to depart from the rules in the interest of their friends, the party, and the local elections. Hardly a clerkship was filled, hardly a promotion was made, for which there were not numerous contestants, backed by official influence, or re-enforced by personal appeals, who demanded a suspension of the rules; and they could be sustained only by offending officers. friends, and party organizations. None but those familiar with the facts can conceive the pressure, the fatiguing solicitations, and the partisan menace, to which the President was subjected, and most of which he so nobly withstood.

There were not wanting Congressmen, bound in honor to stand by a

law they had enacted, and to aid the President in a trying position to which they had invited him, who denounced his obstinacy in enforcing the rules, and gave it as the reason for their not getting offices they had pledged for votes; while, at the same time, they besieged him with pitiable solicitation in behalf of personal favorites and friends. Savage criticism, from venal and partisan journals, was sure to follow a refusal to break the rules in obedience to their demands; and even great leaders of the party preferred infidelity to a national pledge, rather than a forbearance of assessments for a local election.

While such reasons do not answer, they go far to mitigate, any charge that can be brought against the President.

They would, indeed, be enough to discourage all hopes of early resuming the great work, were it not that the same elections which have rebuked such infidelity have also left at home the more guilty. and have brought into power those whose attacks upon the spoilsmen have received a response which shows that it is not true of the people, but only of the politicians, that public virtue has declined. Tilden in New York, and Gov. Chamberlain in South Carolina, have demonstrated that, in 1875 as in 1872, the people are on the side of honesty, and that any party which would win the future must not Gov. Tilden's late declaration, that connive at official corruption. "the question of honest administration, and the question of securing official accountability, are the great questions of the future," is not only true, but it may perhaps be of hopeful significance. Faith in the higher sentiments, and open assault upon corrupt officials, will yet bring strength to any party.

# VIII.

After Congress had thus turned its back upon the reform, which much weakened the resolution of the President, the members of the commission could do but little. Without money, even to pay their own travelling expenses, they could not ask examiners to go beyond Washington to hold examinations; but they resolved not to resign so long as any opportunity of usefulness remained to them. Those on the examining-boards who out of regard to the public welfare, and the honor and dignity of the service, had performed so much uncompensated labor, were equally constant; and they continued their patriotic devotion to the last.

But when the moral power of Congress could be invoked against the rules, when so many members justified their recreancy by arraigning the President and the reform, all the elements of resistance were revived; and the friends of the new system were for the same reasons enfeebled. Its administration during the past year was, of course, unsatisfactory. The President was believed to be wavering. Yet, during that period (and not according to any wish of Gen. Butler, but at the time and in the manner requested by the Commission), the President extended the rules to Boston; and the new rules for that purpose were put in force in the light-house service.

At last, however, the final and fatal decision of the President was reached; and, if he was not prepared to rise to a higher level, I believe few will doubt that a surrender was better than that feeble existence of the rules, which would only bring, upon the reform and the President, public contempt.

The announcement contained in the last annual message, that, "if Congress adjourns without positive legislation on Civil Service Reform, I will regard such action as a disapproval of the system, and will abandon it," was made, so far as I am aware, without the approval of any member of the Commission.

In that message, he repeats that "the rules have been beneficial," and "have tended to the elevation of the service;" and declares that to himself, and to those associated with him, the result "will be a source of mortification."

Most certainly it will be a source of mortification, and more; for history, it seems to me, must adjudge this so-called abandonment to have been a needless and unjustifiable surrender, — a lamentable event in the life of one who has permanent claims upon the gratitude of his countrymen; a surrender that can no more be justified than the surrender of Webster to the slave-power; a surrender no more to be forgotten than the recantation of Cranmer, which the fires of heroic martyrdom could not obliterate.

It was neither the approval of Congress, nor the perplexities of a position, which was the standard of duty, but the pledge given, the acknowledged need of reform in the Executive Department, and the admitted fact that the rules were accomplishing that reform. Such an opportunity as hardly occurs in a century, for an act of moral heroism, was lost; and therefore a nation must suffer.

It is hardly necessary to add, that at its last session Congress repeated the dumb farce of the previous winter, and that no appropriation in aid of the reform was made; and thus, without a public reason or a public act, a repudiation, a suicide, and an insult to the President, were accomplished together. A Congress that could debate, and call the Ayes and Noes, and vote, for months together, over the prospective glories of the partisan spoils system, to be secured by inflation bills, civil rights bills, bounty bills, and force bills, and over the past glories of that system as illustrated in Louisiana, Arkansas, and the city of Washington, had not the moral courage to make a record of a vote or of a reason upon the most important subject that came before it.

# IX.

And, finally, a few words of the future.

Though the reform is defeated for the moment, not a few of those who betrayed it, and those who led the opposition to it, are defeated also. The need for it, and the honest sentiment of the people that demanded it and is ready to sustain those who faithfully serve it, survive. It is only a question of time when Civil Service Reform wil again be made a national issue; and, what party will adopt it, no one can tell. Though the spirit and effects of the reform are wholly non-partisan, yet, like the assault on slavery, it will need to be sustained by the power of a great party. Nothing, I think, is more certain in public affairs, than that we can not and shall not go on indefinitely under the spoils system.

It is no small gain that the true principles and methods have been vindicated, that a place under the Constitution has been secured, and that it is not the methods, but the agents, that have been unreliable. Whenever the better sentiment — already enough in volume — shall be fitly organized, it will make its power felt again and we shall then know how to do the work of reform it will demand on a far larger scale. 1

In all the older nations, except Switzerland, the great questions have been, and for a long time will be, How shall the Government be framed? How shall liberty and equality be achieved? With us, the great questions are, and will continue to be, How can competent, faithful persons be brought into the public service? How shall honest, vigorous administration be secured? More and more, in villages, cities, counties, and States, these great questions of ours are perceived to be vital, and are arresting public attention. Without more faithful and capable men in the offices and clerkships, the results must be evil continually. Liberty and equality are lawless and corrupt, without virtue and capacity in office.

1 It has seemed to me that it would be desirable to allow somewhat more authority to a Head of a Bureau, in making selections for promotion, than the original Rules provided for. This might be accomplished either by allowing a larger number than three from which to make the selections, or by conceding to that officer the right to add a certain number (not exceeding one-fourth of the maximum fixed for the examiners' markings, or in other words, 25 in a scale of 100), to the respective markings made by the examiners; the said amount so to be marked being such officers' estimate of the relative practical usefulness of the candidate. I much prefer the latter method.

Such, in general, appears to be the opinion also of an English commission (which has made a report this year), at the head of which was Sir Lyon Playfair. Of course, we could not desire to introduce any of the aristocratic features of the English Rules; but we need subordination in the clerks, and a deep sense of responsibility on the part of such officers, of which such a change would be a guaranty.

It is of great public significance, that a Mayor of New York City, in affiliation with Tammany Hall, has just filled several important places in his gift, more in reference to the higher sentiments than to the lower majority; and that a Governor of New York grows popular in proportion as he defies the baser spirits of his own party, and exposes the corruptions which the better men of all parties detest. Even while standing in the ashes of our own temple, we may be more hopeful.

But let us not underrate the magnitude of the evils to be removed. They cannot be overthrown by resolutions, or cured by Civil Service Rules alone. The real power is the public opinion behind them. We must have an aroused and enlightened public opinion all over the land, which shall more fully comprehend the abuses, their causes, and their true remedy. To awaken and sustain such an opinion, is worthy the highest efforts of this association.

A true Civil Service Reform is a great and difficult work, in which the making and enforcing of rules are valuable only in proportion as they give merit a fair chance, and aid in breaking up the monopoly of partisanship and official influence.

The people must comprehend that this reform is an effort for the protection of themselves against the ambitious rapacity of their officers, and the mercenary tyranny of their partisans, — a struggle in which the interests of all honest men and women are on one side, and the gains and opportunities of all dishonest officials and all jobbers in politics are on the other side. It is not a reform that can be carried by assault, or be made to secure a Millennium of justice and honesty, but is a contest as enduring as the love of gain and power, in which honesty and patriotism must forever confront selfishness and ambition.

We must not look for radical victories to be achieved at once, but must be content with ground slowly and steadily won from the common enemies of good government. Those who will not lift one foot from the mire until they can lift both, who will not capture a single fort until they can capture a whole army, who will not teach the multiplication table until they can teach geometry, who will not discourage the use of whiskey until they can prohibit the use of lager beer, who will not instruct a heathen that he should be honest and industrious until he accepts their creed, I am persuaded misconceive both human nature, and the conditions of all political reform.

No greater mistake has been made than that of criticising and assuming to despise what has been done, because it was narrow and limited compared with the abuses. The most cunning enemy could invent no more insidious method of defeating what was threatening him. At the very moment that these misguided friends of reform

were sneering at it because it was too shallow and too narrow, all the partisan and corrupt officers in the country were united in opposing it because it was too broad and too threatening. Had the Rules extended only to the Treasury at Washington, or to the office of one of the principal collectors or postmasters, and been fairly enforced, they would have soon made an example fatal to the entire spoils system. We must be united and patient, and learn to labor and to wait.

Let us dismiss the delusion, that the President or Congress will achieve the reform for us. They are least of all persons free to do so, or likely to do so, unless coerced by public opinion; for they are fearfully tempted to pledge offices to gain votes; and, when once elected, they are beset on all sides by those demanding reward for services rendered, and seeking offices for which services are promised. It is these officers, and especially members of Congress, and those who have discretion to make arbitrary appointments, who resist all limitations upon that discretion, and oppose all chances for true merit to enter the public service without bowing the knee to them.

The provisions of our Constitution, under which representatives have no right to interfere in nominations, and senators have no such right except by voting as to the merits of some of those made by the President, have been so evaded that members of Congress have been converted into something like office-brokers, and the very balance of the system has been impaired. Hundreds of needless offices and many excessive salaries are allowed to satisfy this Congressional greed for patronage. We must insist that the legislative department shall keep within its sphere.

Let us no longer be so short-sighted as not to see, that the battle for Civil Service Reform is to be fought at our own doors, as well as at Washington. In the villages, in the cities, in the counties, in the States, all over the Union, incompetent officers, the sinecure representatives of caucusses, the overpaid favorites of demagogues, unworthy persons of all sorts, whom the people do not approve, are foisted upon the public treasuries. Official favoritism and party influence habitually cause not only a needless number, but an inferior class of persons, to be retained for the public service. It is generally thought to be a less offence to cheat the whole people than to cheat any one of them.

It is in vain to expect to economize and purify the federal administration, so long as corrupt streams of influence are poured upon it from every quarter of the Union. We must enter the contest at our own doors, and insist upon having worthy men for offices, and no more of them than is needed, in the small as well as in the larger spheres of politics. We must separate the political from the business class of

officers, and select the latter upon business principles. It should be regarded as a public insult, to recommend an unworthy man for office; and as something like a robbing of the treasury, to allow more officers or higher salaries than are necessary. At least, let us cease boasting of our glorious liberty, and of the best government under the sun, so long as our inability to put the fittest men into office, and our excessive taxation caused by official incompetency and corruption, proclaim us unworthy of these blessings.

There never was a better time than now, in this centennial period which recalls the glorious deeds of our ancestors,—the greatest of which was, they bravely met and overthrew the abuses of their own times,—to enter in earnest upon this vital duty of administrative reform in the municipalities, in the States, in the nation. Let us cease boasting of space or numbers, or rivers, or wealth, or liberty, or any providential gifts, or any thing not vital to our safety, and show the world that we are able to secure honest and efficient administration, than which nothing can be more valuable, and nothing can do more to advance the prestige of republican institutions.

There is an honest sentiment in the nation, which will sustain such an effort. There is no occasion for discouragement. The people are with us. Our principles are sound. We can say of them, as Pres. Lincoln said of those he urged against slavery in 1856, in those dark hours of defeat, just before the glorious resurrection of justice and liberty, "These principles of ours are vital. They will ultimately win; and they will endure when you and I are gone."

# TREATMENT OF THE GUILTY.

BY REV. W. G. ELIOT, D.D., OF ST. LOUIS.
READ AT DETROIT, MAY 13, 1875.

I ASK your attention to a subject, the adequate treatment of which is far beyond my knowledge and ability. In its widest application, it is the greatest problem of religion and social science. If there were no sin, no guilt, no crime, there would be no place for penalty or forgiveness or mercy. The prayer of our daily offering would be fulfilled: the kingdom of heaven would be here on earth; the will of God would be our only and sufficient law. Out of wrong-doing and its penalties come all the complications of life, and a great part of its mysteries.

Even in its more limited application, to which I shall confine myself, "the treatment of those who have been convicted of guilt," I feel myself unequal to the subject, and have many times regretted the promise to introduce it here. But my suggestions, however crude, may lead to better things; and, although I may have no wise counsel to give, I may have the good fortune of eliciting it from others.

The three sources from which we may reasonably expect to obtain light for the proper treatment of criminals are, —

- 1. The philosophy of human nature.
- 2. The teachings of religion.
- 3. Practical experience.

If we can find any principles of treatment which satisfy these three instructors, we shall certainly be upon safe ground. We may also confidently expect, that the instructions will be perfectly harmonious, and that the violation of either is the violation of all. "Good in theory and bad in practice" is a true dictum only when the theory is partially false, or the principles taught are inadequately applied. The laws of social science are as exact and trustworthy as the laws of physical science; and no departure from them can result in permanent good. If we can find what human nature calls for, and a true religion teaches, we may be very sure of what experience confirms. Unfortunately, in this case, men have obstinately begun in the contrary direction. They have blundered into pernicious practices, and, calling their blunders experience, have hooted at every effort to introduce the reforms which humanity and religion command.

1. What does the philosophy of human nature, or, to call it by

another and more familiar name, what does common-sense teach, as to the proper treatment of those who have been convicted of guilt? Simply, that the guilty do not cease to be human, and should therefore be treated as human beings. That one sentence covers the whole ground. It includes every thing we have to say.

However aggravated the guilt, the criminal has been led into wrongdoing by the ordinary motives, under the like temptations, through the same errors and mistakes, which are common to us all. Notwithstanding his guilt, he retains all the capacities, affections, sympathies, and natural interests, which belonged to him in happier days. He is amenable to the same influences, hopes, encouragements, and fears. He retains the same necessity of self-respect, love of approval, and consciousness of right, the same feelings of remorse and self-reproach, the same craving for just and kind treatment, the same inward protest against injustice and wrong. I do not say that we find, in these respects, a normal and healthy development; for that would probably have prevented the crime. The wrong-doer is morally diseased. as in comparison with average humanity, it is a difference of degree, not of kind. Perfect moral health is not found anywhere; and those who most need the physician must be treated as having a common nature with the healthiest and best. Intellectually and morally, they may be morbid, unbalanced, ill-guided, unreasonable; but the only rational hope of their restoration is by skilful and judicious treatment to stimulate the good that is left in them, and thereby drive out the bad

Accordingly the first essentials in the treatment of the guilty are justice and impartiality. If we manifest undue tenderness and indulgence towards them, we forfeit their respect, and they feel themselves our intellectual superiors. But the most unruly, whether men or boys, recognize the reasonableness of justice, and will submit to strict or even to severe rules, when impartially and dispassionately administered.

Next in importance, and equally essential, is the exercise of kindness, sympathy, and thoughtful consideration, — not pity and condescension, as if we were superior beings, for that spoils every thing; but genuine kindness and humane regard.

Having established this basis of treatment and the relations which it implies, we may then confidently appeal to the criminal by the same motives that are the springs of action everywhere and among all men, — self-interest, social affections, hope, ambition, emulation, the love of praise, fear of blame, the natural and penal consequences of wrong-doing, and whatever else may constitute in ourselves the incitements to good, and the restraints from evil.

We must get rid of the absurdly prevalent notion, that when the

man crosses the prison-threshold, and puts on the prison-dress, he becomes a different being, over whom force is the only effectual restraint, and whose only governing motive is fear. Treat them like brutes, and they become brutal. Treat them like men, and their manhood can be fully restored.

That prison-dress, by the way, is a degradation in itself; a brutalizing influence, for the continuance of which there is no adequate excuse. It marks them as Pariahs, offcasts of humanity. It is a brand of suspicion and contempt. It is a standing declaration that the prisoner cannot in any way be trusted, and that the relation between him and his keeper is that of warfare from first to last. To make escape more difficult, is its only excuse; but it would be better, by rational methods of treatment, to make escape an object of less vehement desire. Few men would voluntarily incur the risks of attempted escape, if they felt themselves to be held under just and humane law. Prison revolts and escapes are generally the result of long-continued cruelty, oppression, and despair.

The majority of convicts, when first entering the prison, are not hardened or hopeless in guilt, and should not be unnecessarily disgraced. The average of personal character in the prison is not so much below that of the surrounding world as is generally supposed. Give them any thing like a fair chance, and a large part of them could be reclaimed. Many of them are penitent, and full of self-reproach, and would only be too glad to see the way to a better life. Why should we shut the door in their faces from the very first, and put every discouragement in their way? Make their life endurable, and inspire them with hope, if you would hold them under easy command.

2. What instruction does religion give in our treatment of the guilty? I do not mean any special theological system, but religion in its largest and most universal sense. On questions of humanity and practical morality, we may reasonably expect that natural and revealed religion, coming from the same authority, will concur. Accordingly the Great Teacher has declared, that, in our social relations, "to do as we would be done by," is the one command upon which all the law and the prophets depend. By application of that rule, the whole question is settled. What treatment could we rightfully claim from law-makers and officials, and from society at large, if we were convicted of crime? Most plainly, justice and impartiality and kindness, both in the administration of law, and the execution of its penalties. Religion admits no vindictiveness, no unnecessary harshness, no contempt, no oppres-Its aim is restoration, not destruction. Its desire is to save that which was lost, not to insure its ruin. It authorizes no man to say, "Stand apart, for I am holier than thou." The difference between the best and worst is not enough to justify that. "If any man be overtaken in a fault, ye who are spiritual"—that is, faithful and good—"restore such an one in the spirit of meekness; considering thyself, lest thou also be tempted." It is often a difference of temptation more than of virtue. "Who made thee to differ?" is a trying question to ask of the sanctimonious and self-righteous.

We might follow this train of thought indefinitely, if there were need; but those who have thoughtfully considered Christ's treatment of the guilty will need no other argument here. Among all the glaring contradictions between Christianity and Christendom, none is greater than that afforded by the unchristian, barbarous methods of penal jurisprudence and prison-discipline, as contrasted with the words and example of the Man of Nazareth. The Christian religion says, "Restore such an one." Christian society says, "Crush him." Religion would lead him to repentance. Society puts up impassable barriers, and makes repentance impossible.

I am no advocate of sentimentalism, or of weak indulgence of crime. A pampering system, which shrinks from just punishment, is as bad in its results as systems of undue severity. The wrong-doer ought to suffer, and society has a right to be protected from his crimes. The criminal forfeits his right to liberty, so far as the protection of society requires; and he has no right to be supported in idleness at the general expense. Much less has he a right to be supported in a degree of comfort which the industry of honest men fails to secure. Both the natural and legal penalties of his wrong-doing, he must expect to endure; and to shield him from them is a mistaken philanthropy at the best. But religion and humanity unite in commanding us to keep the door of reformation open, and so to conduct the discipline and penalties of imprisonment as to fit men for a return to honest industrial pursuits.

3. We next turn to the lessons which experience teaches; but unfortunately here we are compelled to speak in general terms. We can only infer what would be the practical result, under a humane and rational system, by the comparative results among the systems actually tried. Nowhere yet, so far as I know, has the philosophy of human nature, or the spirit of Christ's religion, been introduced as the controlling influence of penal legislation; nor has a jail or penitentiary ever yet been built, with this as the guiding architectural idea.

But, in general terms, we may confidently say, that in proportion to the severity, harshness, and cruelty of penal laws and prison-treatment, has been the pernicious effect, both upon the criminal, and society at large; and, in proportion as rational and humane ideas have been introduced and applied, the total amount of crime has been lessened, and the chances of reformation have been increased. I make that assertion without fear of contradiction. The history of prison-discipline and prison-barbarity, through all gradations of horrors, affords ample material for deciding the merits of harshness and cruelty. The ameliorating influences of modern civilization have led to some partial trial of a better way; not enough, perhaps, for demonstration of results, but enough to prove an established tendency.

The progress of improvement is very slow. Our statesmen are but half instructed in the laws of social science; our politicians turn every thing into party-machinery; and old abuses are perpetrated, half through ignorance, and half because they can be turned into profit or power. The fearful, dismal system of solitary confinement yet finds advocates, although opposed to all the principles of man's intellectual, moral, and social nature. The still worse system of leasing and contract, which is nothing else than legalized slavery, is the favored method in many States. It would seem as if our law-makers expected to reform men, and make them good citizens, by taking away all motives for good behavior, by unfitting them for a return to civil life, by filling their hearts with hatred, by treating them as if they were the enemies of mankind. Truly they make them such, and society reaps the reward.

What are the objects of penal jurisprudence and prison-discipline? Plainly, the protection of society, and the reformation of the criminal. The last named is secondary to the former; for philanthropy is not the primary object of prisons and criminal law. The protection of society stands first. But the reformation of the criminal is the most effectual and the only permanently effectual means to the attainment of that end; and no system which does not tend directly to this result, or which does not make it prominent, can permanently succeed. The punishment of crime, as such, is of course to be taken into account; and all penalties should be carefully adjusted with reference to ethical principles, to the natural sense of right and wrong, and to the moral standard of the community. But the essential purpose of criminal law, and all its agencies, remains the same, - the protection of society by restraint of the wrong-doer, by the just penalties imposed, by the deterrent influence thereby exercised upon the exposed classes of society, and, above all, by the reform of the prisoner, and his restoration to society, "clothed and in his right mind."

Advancing civilization attaches more and more importance to the agency last named, so that it is regarded by many as the end rather than the means. The most observant students of social science, of the present day, if asked how society is to be protected from violation of law, would probably answer, "By the prevention of crime, and by the reformation of the criminal."

The answer involves a complete revolution in the old systems, and an inauguration of a new era in the treatment of guilt.

The true secret of prison-discipline is to be found in the principles already stated. Let the prisoners be treated like human beings. I do not say to coax them, or to make their condition so easy as to change their punishment into reward; but to treat them with justice, to govern them, not by brute force, but by appealing to the same motives which govern other men; make it their interest to work industriously, and to behave well. "If they will not work, neither let them eat," or at least reduce their diet and all their privileges to the lowest possible mark. Reward them for diligence and good behavior, by giving them a just share in their earnings; either in added comforts, or by sending to their families a part of their wages, or by placing it to their credit for their own use when discharged. I have no doubt, that under such regulations, and with proper supervision, prisoners could and would support themselves, so as no longer to be a burden to the State. What is far more important, how plain is it, that the influence of prisonlife would be greatly improved, and the discharged convicts, having been educated to a new life, would become, comparatively speaking. reformed men. Now, after weary years of imprisonment, in which the principles of enlightened humanity have been fearfully disregarded. they return to society, full of vindictive hatred, morally and intellectually educated for new and greater crimes.

There is nothing visionary in these ideas, though inadequately expressed. Already, in different institutions, they have been partially tried, as in the Crofton system of Ireland, the Norfolk Island experiments of Capt. Monochacha, the Detroit and Alleghany Workhouses, and elsewhere. Exactly in proportion to the faithfulness and persistency of trial, has success been attained. Methods of treatment may vary indefinitely; but we can never safely depart from the laws of human nature which are the foundation of social science, nor from the Christian principles which are the acknowleged but not the practically accepted basis of Christian civilization.

# PROCEEDINGS OF THE DEPARTMENT OF HEALTH, AT DETROIT, MAY 11, 12, AND 13, 1875.

In answer to a call issued from the Department, a public sectional meeting was held during the whole of the 12th and half of the 13th of May, at which were read completed and authorized reports from the committee of the Department, upon two subjects; viz., "The Nervous System as injuriously affected by Schools," and "School Gymnastics." Brief communications, made in response to an urgent public demand for information, were also presented by the Department, concerning Defects of Sight, the Care of the Eyes, Medical Supervision of Schools, Systematic Inspection of Schools, Statistics of Sanitary State of Schools, Statistics of Rate of Growth of School-Children, and School Architecture. The latter series of papers must be considered as provisory, rather than as containing the full expression of the Department's opinion. The Secretary's Report, explaining more fully the character of the work done, was read without debate, at the first general session of the Association, on the evening of May 11; and an abstract of it is here prefixed to the other papers: -

# REPORT OF D. F. LINCOLN, M.D., SECRETARY OF THE DEPART-MENT OF HEALTH.

The report presented a year ago to the Association contained a summary of the plan then recently adopted by the Department, for studying school hygiene. It may be found in No. VII. of the Journal of the Association, printed September, 1874. Since then, the plan has undergone some slight modification. The following is the list of topics which the Department now intends to treat of:—

- 1. Heating and ventilation.
- 2. Light, and condition of the scholars' eyes.
- 3. Seats, and deformities traceable to them.
- 4. Architectural plans.
- 5. Apparatus employed in instruction.
- 6. Gymnastics.
- 7. Condition of the nervous system.
- 8. Condition of the organ of hearing.
- 9. Condition of the organs of pelvic cavity.

- 10. Drinking-water.
- 11. Sewerage and water-closets.
- 12. Commissions for sanitary inspection of given school districts.
- 13. Brief of a law establishing the office of medical inspector of schools.
- 14. Statistics of height and weight of school-children.
- 15. Contagious diseases in schools.

Of these, Nos. 6 and 7 are before you. Provisory reports upon Nos. 2, 4, 12, 13, 14, are also ready. Nos. 3, 8, 11, 15, are assigned to competent hands; while Nos. 1, 5, 9, 10, are not assigned.

Care has been taken, before presenting matter to the public, to secure it, as far as possible, from error in statement; to this end, we have been accustomed to criticise all papers, and to order their revision in accordance with such criticism as appears justified. This is usually done at the regular monthly meetings of the Department. Further criticism is expected through the press, and from private individuals; and, before an article finally takes its place in the Journal of the Association, it has undergone several revisals.

It is possible that the entire series of researches, which is not yet complete, nor perhaps will be for a year or two longer, will be published at last in a single volume, for popular use.

Attention is specially called to certain methods and formulæ, which have been used in several examinations of school-children, instituted within the past year, the results of which are to be presented at these sectional sessions.

(a) Those used in Philadelphia, during the past winter, under the orders of the Board of Control of Public Schools. These examinations are almost the first — certainly the first of any magnitude — ever carried out in the United States. The results have been partially tabulated; and a printed broad-sheet is ready, containing a great deal of information concerning the sanitary condition of the grammar schools in that city. But as the total number of separate reports is nearly four hundred, and there are many questions to be answered on each report, the labor of tabulating has been immense. It is fitting to add that the credit of organizing these measures is very greatly due to the Philadelphia Social Science Association, which we are honored in being permitted to call a branch of the American Social Science Association.

Similar investigations, with the same series of questions, have been set on foot in St. Louis, by the public-school authorities; but no results have yet been published.

- (b) Those used by Prof. H. P. Bowditch in carrying out examinations of the height and weight of Boston public-school children, in accordance with the request of his department. This is officially sanctioned by the school authorities; its execution will probably be a work of two years or more; and in its results it will furnish a contribution to the science of man, showing the present rate of growth of our native and foreign population at every period of life, from five up to eighteen years of age. Such investigations, if they could be carried out in other parts of America, would prove of the utmost value, as furnishing a standard for comparing our populations with each other, and with those of Europe.
  - (c) Still another method of statistical research will be illustrated in the

plans framed by Dr. C. R. Agnew of New York, a member of the Department of Health, who, in connection with others, has already examined the eyes of a great many school-children in Cincinnati, Brooklyn, and New York. The result will show how many scholars of different ages in various cities have defective sight; and inferences of great importance will naturally spring from such observations. The same has been done, and is still doing, in St. Louis, Philadelphia, Albany, Rochester, and elsewhere. Dr. Hasket Derby, in Boston, intends to visit Amherst College every year, and examine the successive classes of young men, so that a just idea may be formed of the rate at which near-sightedness makes progress from year to year among a selected number of men at study. The continuous observations which he plans have a peculiar interest.

The secretary has also prepared, in outline, a set of rules for the care of the eyes, which will be read in connection with the above. Another outline has been drawn up by several members of the Department, for the purpose of bringing before the public the rules which architects ought to follow in building schoolhouses, with a view to the health of their inmates. The importance of having these points clearly understood by architects is extremely great; and I can hardly think of any subject connected with school hygiene, around which more interest would gather than around this, of "sanitary requirements of schoolhouses."

It is not yet possible to say what subjects will be ready for presentation at the next general meeting; but we hope to have ready more than one full report, with a great deal of statistical information (more or less incomplete) regarding the health of school-children.

The first session of the Department of Health was held in the Council committee-room of the City Hall, Rev. Charles H. Brigham of Ann Arbor presiding.

The first paper was as follows: -

THE NERVOUS SYSTEM AS AFFECTED BY SCHOOL-LIFE.

By Dr. D. F. Lincoln. READ May 12, 1875.

You will not fail to be struck with the fact, which meets us at the very outset of our inquiry, that an intimate connection subsists between this subject and many others standing upon the list which has been drawn up to represent "School Hygiene."

This connection, however, furnishes no obstacle to the execution of our plan of simultaneous joint authorship. Only one of the list covers ground belonging, in a strict sense, to the present investigation. That subject is the one alluded to under the title "Organs of the Pelvic Cavity," — a title designed to include all those derangements of health, about which so much has lately been written, occurring in

young girls during the process of sexual development. About this matter I shall say very little, both because of my own want of special fitness for the task, and because it seemed to the department, that the time had not yet come when a judicially impartial account could be given of this subject which has of late aroused such bitter and general controversy. Perhaps in a year or two this may yet be done; but we have as yet made no attempt whatever to examine into the matter.

The next difficulty, however, is one of far greater moment; and I may state it as follows:—

Our entire nation is believed to be suffering from certain wide-spread sources of nervous degeneracy. Our children are but a part of the nation, and must suffer along with the older members of the population. How shall we discriminate between what is national, and what is simply scholastic? Give the child a constitution derived from excitable parents; a nutrition in infancy and childhood from which iron, lime, and the phosphates are mainly excluded; a diet in later childhood most abundant but most unwholesome, and based upon a national disregard of the true principles of cookery; a set of teeth which early fail to do their duty; a climate which, at its best, is extremely trying, killing either the aged by excessive cold, or the little children by a tropical heat; an atmosphere so deprived of moisture, that the most casual observers speak of it, and men of science consider it as capable of modifying our constitutions most profoundly; add to these influences those of a moral nature, arising from the democratic constitution of our society, spurring on every man, woman, and child to indulgence in personal ambition, the desire to rise in society, to grow rich, to get office, to get every thing under the heavens; add a set of social habits, as applied to the life of young girls and boys, which is utterly atrocious, which robs so many of them of their childhood at the age of ten or twelve, and converts them to simpering, self-concious flirts, and men of the world, rusés, and independent of control, a depraved and pitiable breed of "little women and little men;" add finally the fact, that we have now a population of six millions dwelling in cities of over one hundred thousand inhabitants, and exposed to those deteriorating influences which notoriously belong to great cities: give the child these conditions to grow up under, and can you wonder that he or she "deviates from the type" (as it is fashionable to say) of the sturdy Anglo-Saxon pioneer who settled this continent? And can we wonder that educators, persons deeply interested in their profession, and sincerely conscientious, should protest against the charges brought by physicians against their systems of instruction, should protest against the very title of this paper, and

should appeal from the laziness and folly of parents, and what they consider as the professional prejudices of medical men?

With these difficulties, inherent in the subject, you will pardon me. if I succeed in doing no more than positing the question. I nevertheless think that I shall show that schools do cause a certain amount of injury of the sort called "nervous;" but you must not look for any thing like a statistical exhibit of the amount of harm done. method of investigation, which results in good statistics, has been cultivated in precisely this direction in several cities within the past year. as in Philadelphia, St. Louis, New York, and elsewhere; but the opportunities and the working-power of a single man are but very small, as compared with the amount that ought to be done even in a single city. The present paper therefore aims, first, to exhibit the physiological laws which govern the subject, and to show how schoollife is capable on the one hand of benefiting, and on the other hand of injuring, the fabric called the Nervous System; and, second, to illustrate these principles by citations from the opinions and observations of about seventy persons, physicians, and teachers, who have favored me with correspondence.

# PART I.

# PHYSIOLOGICAL LAWS GOVERNING THE MENTAL AND NERVOUS HEALTH OF PUPILS.

In the most general terms, the nervous system may be characterized as an accumulator, a distributor, and a regulator of the forces of our animal economy.

By it the mind is informed of what may be seen, heard, felt, or touched; by it the perception is stored up, the thought remembered, the process of thinking carried on. By means of it, the beating of the heart, and the circulation of blood through the body, are regulated. If there is a demand for fresh blood, in order to custain the activity of the brain, a portion of the nervous system is charged with seeing to it that fresh blood in greater quantities is sent to the brain. By means of nervous action, the tears flow, the mouth is moistened when we eat, the stomach is enabled to digest its food, and the bowels to carry on what the stomach begins. And by it, also, the muscles are enabled to act, and to transform chemical force into the forces of motion and heat. In fact, the muscular functions are in a sense nervous functions. only that nervous force is consumed in the performance of muscular acts, and is reciprocally strengthened by such performance, but also that the muscles themselves seem, in the ultimate analysis, to be simply a spreading-out of nerve-tubes, as the foliage of a tree is the expansion of its boughs and branches. Hence, when speaking of the department of medicine called neurology, or the special treatment of nervous diseases, we are obliged to include the diseases of the muscles themselves under the same heading.

I have not begun to exhaust the statement of the functions with which the nervous system is connected, but will just call your attention to the fact that every one of these relations is doubly reciprocal, like the effect of a pair of mirrors placed over against each other. Nothing happens to any organ which has not its effect upon some part of the nervous system; and nothing happens in our brains, or any other nervous organ, without producing its effect upon some organ not nervous.

It is well to state here, in order to enable you to anticipate a little the results of this paper, that the actual derangements of the nervous functions which are commonly believed to be produced by improper influences at school are the following; viz.,—

First, a group collectively termed "Neurasthenia," composed of debility and general depression, dyspepsia, sleeplessness, irritability, headache; then nosebleed, a symptom of congestion, which seems quite rare in America as compared with some parts of Europe; then chorea or St. Vitus's Dance, a disease of childhood proper; then neuralgia, hysteria, irritable spine, or spinal anæmia, and menstrual anomalies.

This list was given in a printed circular of inquiry issued to physicians, and from their answers it appears that little remains to be added to the list. But I must add, that several correspondents have of their own accord suggested other evils of more or less importance; as insanity, self-abuse, injury to the urinary organs from long confinement, deformities of the chest and spine, and typhoid fever.

With this general view of the scope and tendency of our inquiry, let us now pass to the consideration of the question, "How may school influences directly benefit the nervous system?"

In the first place, the school may provide for a reasonable degree of physical exercise, which every scholar should perform unless excused by his physician. There is very little chance for healthy sports in great cities; and it is precisely in these cities that the greatest number of hours is spent in schools. If civilization takes from its members the country air and country sports which are the natural means of health, civilization is bound to make good the loss to those who are too poor to make it good for themselves; and that means nine-tenths of the people in cities.

As regards fresh air, and other hygienic essentials of schools, the attempt is sometimes made to excuse deficiencies by saying that "the scholars are better off in school than in their own wretched houses."

This excuse is apt to prove fallacious. It is our duty to ask, when

such remarks are made, "How much better off are they when in school?" Is the air at home charged with fourteen parts of impurity, for example, and that in school with only twelve or thirteen parts? Such a comparison reflects no credit upon the school: if both places are blamable, then our duty obviously begins at the school, which we build and furnish, and to which we compel the children to come.

But let us not delay over this sufficiently obvious point. What we desire to know just now is, whether a thoroughly good school is a positive benefit to physical health. Granting that the air is pure, and the surroundings are all hygienically perfect, are the work and the discipline of schools beneficial, per se?

And first, as to the work, the simple mental work; is that capable of doing positive good?

The answer to this question is as follows: Pure mental work, quite free from what is called "feeling," is not possible to a conscious human being; but pure work, accompanied by the simple feeling of satisfaction termed "interest," in a moderate degree, acts on the system like any other healthy work, by consuming the chemical elements; if the brain is at work, one sort of change goes on; if the muscles, another sort; but brain-work and muscle-work equally create a demand for fresh nourishment, and this demand constitutes a healthy appetite for It is fully understood by "brain-workers," that certain studies tax the endurance of the entire system as much as the severest bodily toil. Persons with good brains are fatigued by mental labor as much as persons with good muscles are by bodily labor. Now, I do not mention fatigue as a desirable thing, but the processes which lead to fatigue are good if kept within reasonable bounds; and I hold it to be physiologically correct, that these processes are much alike, though not identical, in the acts of thinking and of muscular motion. Indeed, voluntary muscular motion is absolutely dependent upon a supply of nervous force, which is probably generated in a portion of brain lying within the temples. When muscles are palsied, their nerves are pretty sure to be affected; and when nerves, their muscles: hence it is often extremely difficult to say whether a given disease of either organ begins in nervous tissue or in muscular tissue.

Mental occupation, like all other natural occupation, is therefore good; or, at least, it has a presumption in its favor. But the value of this work is vastly enhanced by the methodical way in which a good school enforces its performance. Our teachers, in many cases, deserve the greatest credit for their judicious firmness in restraining from overwork, as well as in requiring the full amount of work; and I know well, that adult students would often be benefited by such regulations as would prevent them from over-driving their intellectual machine.

Why, then, can we not make our children work with their brains, and trust nature to develop their muscles? I believe there is a special reason why we may not do this, and somewhat as follows: The nervous organs require nutrition like other organs; they are dependent upon the blood, which conveys to them what is required to repair waste; and the blood is again dependent upon the heart and the bloodvessels, which pump it to the points of supply. Now, the heart and the blood-vessels are muscular organs; their capacity to force the nutritious fluid to its destination depends on the amount and the good condition of the muscular tissue they contain. A strong pulse is needed by a strong brain; and if we want a strong pulse we must strengthen the heart. And in no way can this be done except by muscular exercise, which drives the blood on to the heart, distending and stimulating it in such a manner that the organ gradually increases in size and firmness, growing vigorous in sympathy with the other muscles of the body. Of the danger of excess in this practice, I will speak later.

Of the muscular structures of the chest, there are some which have no particular use except to assist in breathing; these, the respiratory muscles, need a similar development through training, in order that pure air may be largely introduced into the lungs; a process which you know to be indispensable to the proper nutrition of the body, and the performance of the processes of oxidation required by all the tissues.

So far, we have seen that muscular activity is indispensable, even to the health of the brain; while, as regards the action of the brain in thinking, we have succeeded only in establishing a presumption in its favor. This being the case, - the one being essential, the other only permissible, - it would seem as if those who exercised their muscles stood a better chance of perfect health than mere brain-workers. commonly assumed, that boys are necessarily in better health when let run freely in the open air without schooling, and that day-laborers are the healthiest part of the community. But these assumptions are greatly neutralized by two facts, - the privations undergone by the poor, and the noxious effects, in any class or age, of excessive muscular exertion, which is certainly capable of doing as much harm as overwork of the mind. Consumption, various forms of heart-complaint, of palsy, of muscular disease, not to speak of the great enemy rheumatism, are the penalties of excessive muscular effort. Stupidity is another penalty, deserving serious mention.

The laboring classes have diseases as many and as serious as those of the intellectual classes. Nay, more: it would seem from statistics that the latter are much *longer-lived* than the former, however it may be with their health. Clergymen, lawyers, physicians, merchants, sci-

entists, and men of letters live very much longer than the classes that work with their muscles chiefly; the figures are given differently by different authorities, ranging from fifty-six years up to sixty-five as the average length of life in the former, while the average life of all persons who reach the adult age is about fifty years. In the upper and professional classes in England, statistics relating to nearly forty-eight thousand persons have recently been published by Charles Ansell, showing that the average annual mortality in one thousand, of those under sixty years of age, was 10.46 as against an average of 17.65 for all classes in England and Wales.

These figures may be taken for what they are worth: I use them only to rebut the common arguments in favor of the necessarily superior health of mere hand-workers. But another turn is given to the argument by those who assume that the educated and the rich, though longer-lived, are more subject to chronic troubles, as dyspepsia, neuralgia, and gout. This view is most incorrect, I am sure, as regards the population of large cities. No one who has had experience in dispensaries can think that the poor have as good health as the well-to-do classes. The well-to-do are those whom Nature has blessed with tougher constitutions, greater powers of mental work and endurance; persons of higher endowments in every way than those possessed by the poor: hence, while they know better how take care of their health, they possess also better means for doing so. Theirs are the sunny streets, the wholesome quarters; while to the poor belongs the gift of large families, and a doubled or trebled rate of mortality in children. Hence also, permit me to say, upon them rests the imperative duty of helping their weaker neighbors to obtain a reasonable share of health and intelligence. The problem is, however, complicated; and it is impossible to give full value to all the arguments in this place.

So far we have seen, from several points of view, that the presumption is in favor of the wholesomeness of mental work, as required in a well-governed school. One reason for this has already been given. It is good for the body, because it is bodily work; because as such it furthers the processes of chemical transmutations, and hastens the renewal of tissue; and because it is better for us to have this renewal, a fresh body—one composed of recent elements—being more vigorous in all its functions than a stale and rusty organism. This is the fact as it looks from a chemical point of view. But we scarcely need technical language in order to understand this. It can be stated in every-day phrases; and it will be instructive to make a re-statement of this sort, which I will now do.

Our life is largely made up of appetites or cravings of various sorts.

The most familiar of these are the cravings for food and drink, for breath, for sleep, for air and sunlight. The presence of any one of these, in a healthy person, shows the existence of a chemical exigency or crisis, which requires the addition of some element, - carbon, oxygen, nitrogen, fat, starch, animal fibre, salt, water, and so on; or the introduction of some force, as light, heat, or atmospheric electricity. If these desires are not gratified, the health suffers. Now, there is another class of cravings, equally important, and equally imperious in their claims: I mean the various desires to expend animal or mental force, - the longing to exert muscular energy, the desire to move about after having sat still for a long time. The entire range of our mental powers furnishes us with examples of a similar sort; as the gifts of speech, of laughter, of musical genius, of the power to observe, to paint, carve, or otherwise represent, the power to command other wills, the capacity for greatly loving other persons, for receiving or giving sympathy. All these must be exercised by those healthy human beings who possess them, under penalty of a loss of well-

Now, it is evidently impossible to exercise all our faculties at once in such a way as to bring each to a state of the utmost development. It is the business of an educator to see, first, that the faculties essential to well-being are developed, - the muscles of respiration, by singing, dancing, running, and childish athletic sports; the muscles of the will, by similar methods, and perhaps gymnastics; the intelligence, by school instruction of various sorts. But, while doing this, he should bear in mind those traits of childhood which are most irrepressible, and should both guide them and be guided by them. Muscularity - or more rightly expressed, a liberal indulgence in muscular sports — is the craving of healthy boyhood: if denied, no amount of mental occupation will take its place. On the contrary, mental stimuli are most dangerous to a boy who is physically idle, and only tend to hasten those sexual crises (so fatally ignored by many educators) which are sure to come, and to place a certain proportion in peril both of health and I am speaking of a great evil, and one little understood; for which the remedies are to be found in a liberal stimulation of all the nobler parts of a boy's nature at once, — his will, his courage, his fortitude, his honor, his sense of duty to God and man, his interest in some mental pursuit.

As respects girls, there is no doubt that they are capable of taking as keen enjoyment as boys in muscular exercise, though of a somewhat different nature.

That it would be for their good to strengthen their wills and their courage by such methods, no physician can doubt. But the obstacles

to such development are very great, especially in cities, and in all places where fashion imposes a limit to the expansion of the lungs, and cuts off the indulgence in the pleasure of breathing.

I trust enough has been said to direct your attention to muscular training as a branch of education. But it would be a neglect of duty did I fail to add that the whole matter must be under control and regulation, and that forced and violent exercises in gymnasiums, or out of them, are capable of doing great harm. It is a great mistake to work the brain till it can do no more, and then, feeling fagged out, to take violent gymnastic exercise or a long walk. Mothers know that their little boys can make themselves sick by playing too hard. Some children cannot play too hard, and some adults can be Hercules and Apollo in the same day: these are few. I would suggest, that a rule of the following sort be laid down for those who are old enough to follow it: "Never let the bodily exercise be so crowded into a corner by work that you cease to enjoy it, to relish it as a well person relishes food; but, as to the amount of exercise you take, let that be governed by the appetite for it. And do not feel bound to make your biceps big; for the muscles which do not show - those lying between the ribs, under the shoulder-blade, and the diaphragm - are more important, and are suitably developed by systematized breathing, by vigorous walking, and a little running or lifting, if you can bear Such advice is, on the whole, more judicious for adults, who have severe tasks of a mental nature, than would be the indiscriminate recommendation of gymnastics.

I come now to another set of causes, which ought favorably to influence the health of scholars. I refer to the fact, not much understood in a practical way, that happiness is of itself one of the surest sources of health; or, in medical terms, that joy is the best tonic we possess. Pleasurable sensations are imparted by all efforts made willingly, if within our powers. The scholar has that source of pleasure constantly, if he is well managed. He is interested; and interest is the chief factor in happiness, while want of interest is a sort of hell on earth. He has the sense of mastering difficulties, of conquering his own weakness and ignorance. His cheerfulness is promoted by making the work brisk and vigorous, both in recitation and during study. He is conscious of success and of gain, and that without reference to the standard of his fellows, but by reference to himself. His self-control and habits of order are strengthened; which must indirectly prove beneficial to his health. And, finally, he is conscious of having a friend and sympathizer in the person of his teacher; or, if not, there is serious fault to be found somewhere. Either the teacher is deficient, or else the class is so numerous that it is impossible for him to know the characters of his pupils.

Now let us turn the picture, and see the reverse. What harm is done through injudicious schooling?

In answer, let me say, that, if mental enjoyment does good to the system, the sensation of inadequacy to one's task is a source of acute suffering and injury. Pain felt in a nerve is a proof that the nerve is not duly nourished, or has been tired out by overwork; and, in accordance with this fact, we find that its proper function, that of distinguishing objects by means of touch, is weakened during an attack of neuralgia. In muscles, fatigue easily passes into pain, which may quite cripple one for a while, as when a person begins too violently with gymnastic exercises. But in the mind we feel the pain called depression of spirits, when required to discharge mental functions beyond our strength. The sensation is like that felt by insane patients suffering from Melancholia, to whom life is only a burden, and suicide the only apparent duty. But it is rarely the case that such a condition occurs in young children. If overworked, their minds are apt also to be strongly interested, their feelings in a state of tension; their ambition acts as a spur, and does not let them know how tired they are; so that irritability, rather than depression, is characteristic of children suffering from school tasks. And be it said, that this state is most needlessly aggravated by a great many petty restrictions and points of discipline, which keep the child in a state of continual apprehension. He is perhaps marked for tardiness, and hence eats his meals in a state of trepidation lest he come late to school: he is marked for each recitation; he is constantly inquiring how he stands; and, if he is ambitious, the consciousness of impending destiny is ever present to his mind. I speak not of such folly as giving a child a demerit for not coming to school five minutes before the hour appointed; or giving merits for the performance of tasks like sweeping down the stairs of the schoolhouse, or sharpening the other children's slate-pencils! But we are called upon very strongly to condemn all points in the management of schools, which give rise to anxiety, apprehension; exaggerated feeling, in short, of any sort, whether of joy or pain, in the minds of scholars.

But leaving this point, and returning to the consideration of the effects of overwork: these effects are developed either by excess in quantity or by a monotonous strain of the faculties in one direction.

As to excess in quantity, a child is capable of doing a good deal of work; but it must be done under the conditions of perfect sanitary surroundings, and, above all, of frequent rest. "The child's brain soon tires," says West; "and the arrangement, so convenient to parents, of morning lessons and afternoon play, works far less well for it than if the time were more equally divided between the two." The need of

frequent recesses is admitted by all; but I find decided differences of opinion among teachers as to how frequent they should be. If a child of eight or nine years works half an hour, he may be perfectly refreshed by five minutes' rest and amusement, and ready to go to work again; but, if he is kept at his tasks for four half-hours continuously, twenty minutes will not begin to suffice to bring him up to condition. A long unbroken session takes out of a young child more than he can make good by repair before the next session; and the total of these excesses of waste are subtracted from his total growth, stunting his body and mind together.

Deprivation of sleep is another factor in producing exhaustion. And let it be remarked, that the worst thing about "home lessons" is the danger that they will be studied late in the evening, and, by the congested condition of the brain thus produced, prevent the child from falling into a sound, refreshing sleep.

Deprivation of food often occurs. A child under twelve cannot usually go more than four hours without food; and privation of this sort, though willingly borne by the zealous scholar, makes itself felt at the next meal-time by an incapacity to relish or to digest what is set before him. Schools should always make reasonable provision of time and place for the scholars' luncheons; and, if there is a long session, parents ought to be expressly informed of this, and requested to furnish their children with something suitable. As for the regular meals, a parent is inexcusable who will permit a child to miss them, or to take them irregularly, or to lose its appetite for them, except in case of war, insurrection, or peril by sea.

There is a condition, not infrequent in the adult occupants of schools in which a person seems to have used up all the surplus of vital force he possesses. There is no remedy for such cases but a protracted rest from all that can tax the powers.

The same condition may be observed in older children. But in the younger—say those under ten—the danger lies more in another direction. Educators, whether teachers or parents, are always liable to forget that the extreme volatility of a child cannot be conquered, but belongs to his nature; hence his tasks are always liable to be too monotonous—more like what an adult would think suitable than what a child would really be best suited with. Now, the overstraining of a faculty in any one direction is a most serious matter. If a clerk is kept too long at writing, the muscles which hold his pen grow weary; the weariness grows chronic; pain and constraint begin to be felt whenever he takes up his pen; one muscle gives out entirely, and he tries to make its place good by adopting a new plan of holding his pen; but the new way has again to be given up, and the entire process of writ-

ing soon becomes insupportable; he may even be prevented from work by muscular spasms in the fingers. The remedy consists in three things, — first, rest; second, treatment of the wearied muscles; and, third, regular voluntary exercises of the other muscles—those which are little or not at all affected—of the hand and arm. In other words, the hand has to be drilled into a habit of distributing its forces among various functions. The amount of mental and physical energy which would carry a man easily through a day's work on a farm may thus, if concentrated upon one set of muscular functions, set up a disease in the latter, which will end in paralysis. Nor is this true of the hand alone. A whole class of these diseases exists, denominated by the Germans beschäftigungs-neurosen, or professional diseases. Thus the shoemaker's cramp, the ballet-dancer's cramp, the "hammer-palsy," of sledge-hammer men, and the myalgia (muscular pains and debility) of sewing-women.

We often hear a distinction made between "natural" and "unnatural" forms of bodily exercise; and the preference is instinctively given to the former by most people. Now, the very best forms of natural exercise are those which develop a rhythmic sequence of effort and pause. Walking, dancing, and running never exercise the two halves of the body at the same time in the same way; the efforts may be constant, but they are relieved by alternations of right and left. In fencing, the old masters try to teach a similar balance. It is not in man's nature, when furnished with a pair of organs, right and left, to use both at once in an absolutely identical way. Standing in a military position is the most fatiguing thing possible. And if we turn to an organ like the eye, which is capable of severe labor of a more intellectual nature, we find that, though both retinæ are used together, yet both take turns, at intervals, of resting, so that we actually, while looking intently at an object, do lose sight of it, though unconsciously, for a second, upon the right, and, presently, for a second, upon the left side, and so on. Riding presents an instance where a pair of muscles must be kept rather firmly and steadily stretched to clasp the saddle, but, in riding, the whole body of the man is subjected to the rhythm of another body, that of the horse, so that a multitude of unconscious movements are made in the most perfect rhythm back and forward, to right and left, by the trunk. I need not speak of the respiration, the beat of the heart, the natural movements of digestion. Worshippers in the true temple of Hygiea use for the most part an antiphonal service; and the antiphony of effort and pause in mental operations gives the most beautiful — as the Greeks would say, the most musical -stimulus and expression to the mind.

We do not as yet realize how intellectual an organ a muscle is.

Those of the face are called mimetic, or muscles for the expression of emotion; but every voluntary muscle in the body, when in action, expresses the energy of one of the most complicated intellectual processes, though one little thought of as such,—that of volition. And I cannot refrain from tracing the analogy a step or two further, between the case of writers' palsy, and that of nervous excitability and exhaustion from severe tasks at school. The points of analogy are as follows: the child's mental trouble shows itself by unreasonable behavior, fits of ill-temper quite foreign to his proper disposition; and the man's muscular trouble is commonly associated with strange and purposeless jerkings of the muscles, equally foreign to purpose and reason.

And, still further, if you observe a man trying to write in this disorder, you will see that the anxiety of the effort makes him ten times worse, as if his hand were afflicted with stuttering; while you well know that the anxieties arising from emulation, contention for prizes and rank, the unceasing effort to hold the tongue, to sit straight, to reach a given goal at a given time, wear out a child vastly more than long, hard lessons.

I had thought to enlarge upon the latter point, but will rather leave it to my correspondents, from whom you shall presently hear expressions of opinion upon the matter.

Although the subject of Diet is so essentially connected with Education, yet I must at present refrain from entering into a statement of the principles which should direct its regulation. But upon one matter I feel specially called upon to speak. Modern Europe and America, during the last hundred years, have entered upon a vast physiological experiment. This consists in the use of a new order of stimulants, as a part of the daily life of everybody except very young children.

Whether in the energetic and strongly vitalized populations of the Western States, children are allowed the use of tea and coffee, I know not; but in New England it is extremely common among the poorer classes to allow these beverages in full strength, as an article of daily use, to children of five years old and upwards. Let me therefore explain my reasons for speaking of the latter custom, and (eventually) for condemning it.

Both coffee and tea act pretty much alike upon the system. In reasonable quantities they are capable of stimulating digestion, of relieving constipation, of counteracting in a remarkable manner the effects of severe cold, of relieving neuralgic headaches, of driving away the noxious sleep of opium and other drugs, and stimulating the mental faculties in an agreeable manner.

They seem to place the system in a condition in which more nervous force can be expended in a given time, so that the person can speak, think, walk, write, more vigorously and for a longer period. But, while thus laying a larger stock of ammunition ready to our hand, they also increase the danger of spontaneous explosions. While increasing our capacity for perceiving and feeling, they also render us more excitable; the feelings, whether of joy or pain, or of sentimental emotion, come quicker, and are more overpowering. If they stimulate to muscular action, and render it more facile, they also give rise (as you all know) to occasional twitchings and tremblings of the muscles, quite annoying, and indicative of absolute excess in the use of the remedy.

In this respect, and in some others, there is a decided analogy between the action of these medicines, and that of *strychnia* taken in minute doses. Animals poisoned with theine or caffeine die in violent convulsions. But the parallel is by no means complete. Rather let us say that these beverages act as *mobilizers of force*. To use them is like putting a hair-trigger upon your rifle.

I have not attempted to draw a picture of the evils which they may give rise to, but will confine myself to the legitimate inference which follows the last statements. If they render the expenditure of nervous force easier, in what tremendous danger may they not place the young and excitable minds of American children, eager to learn and to excel? If, under their influence, the teacher is enabled to sit up all night, attending to an excess of school-work, will not the scholar be driven by the pleasurable impulse to labor, and the conscious ease of action given through coffee or tea, to a degree of overwork, which, less in amount, may be equally disproportioned to his powers? I speak both of boys and of girls; but the latter will inevitably suffer more than In the "grave, measured, and exact language of truth and verity," as Trousseau, the greatest of French therapeutists, phrases it, "Those whose nervous systems are weak suffer, when using coffee even in moderate quantities, from heat, anxiety, palpitation of the heart, sleeplessness; if they use it in excess, from headache, vertigo, tremor of the limbs, pusillanimity, eruptions on the face; it may give rise to or increase the diseases of hysteria and hypochondria." What teacher of children does not recognize this picture?

I desire, therefore, to express my wish, that the time may soon come when coffee and tea shall be withheld entirely from children under sixteen or eighteen years of age—according to their development—except when it is expressly recommended by physicians. It is absolutely beyond a question, that most children will develop a better physique without them. As for adults, their habits are necessari very different from those of children, and we need not here extend c

remarks to them. And, as beer and wine are scarcely used by children, I will also pass them by in silence.

There are three special faults in sanitary conditions which do harm to the nervous system of those in schoolrooms. These are, the means employed in lighting evening schools, the undue heat of schoolrooms, and the excessive dryness of their atmosphere, with other impurities.

Our nation is fond of burning a good deal of gas or mineral oil; and as a result our rooms are apt to get overheated. One gas-burner consumes as much oxygen in an hour as several persons, thus contaminating the air very rapidly, and heating the upper strata very much. In burning, gas gives out impurities, very perceptible to the smell, chiefly composed of sulphurous acid gas; besides which, the power of direct radiation of heat possessed by a cluster of burners is very great; so that the heads of persons in the room, enveloped in a cloud of hot deoxydized sulphurated vapor, are subjected to the effects of radiant heat, which are of an irritating nature, quite different from those of fixed heat. Of course headaches and utter exhaustion are the result.

It is the general custom, I am sure, in American schoolhouses, to keep the thermometer at about 70° F., provided the furnaces will deliver heat enough. Dr. Bowditch says: "In the sitting-room (of a family) the heat should not be above 72° F., nor below 68°; 70°, the medium, is the best." Now, with all possible respect for such high scientific authority, I beg to demur to this standard, widely accepted though I know it to be; for young persons and children, if properly fed and clothed and dried, it appears to me that 66° or 67° is quite enough. In the only perfectly ventilated schools I now remember, the temperature was kept at this point, and no complaint of cold was made by the The effects of excessive dry heat of climate upon persons of our race are usually manifested in the production of "simple general debility, a weakening of the bodily functions, marked by a diminution of the assimilative and digestive powers, and resulting in the loss of weight, and anæmia or poverty of the blood." And there is good reason to suppose that a difference of four or five degrees constitutes an important difference in climate. In an equable summer climate, a rise of the thermometer at noon to 76° may be felt, as an uncomfortable heat, while a fall to 68° will designate the day as "cool."

Neither heat, carbonic acid and oxide, sulphurous vapor, nor excessive dryness of the atmosphere, are felt as evils by the majority of our people; but all of them are dangerous in a special sense to the nervous system. Recent experiments made by Dr. Falk in Berlin show that air deprived of moisture makes the breathing more rapid and less deep; it quickens the pulse, and slightly lowers the temperature of the

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body; and in a few instances it appears that a current of absolutely dry air, continued for several hours, produced epileptic attacks in Guineapigs exposed to it. Dryness of atmosphere certainly tends to make the human subject irritable and excitable. A few people are the victims of untold misery when exposed to carbonic oxide fumes. I do not know what can be done absolutely to prevent the evil, unless we give up anthracite furnaces altogether.

### PART II.

### CITATIONS OF OPINIONS FROM PHYSICIANS AND TEACHERS.

In collecting opinions, it seemed best to address physicians in different terms from those used towards educators: two forms of circular, therefore, were employed. Thirty-four of the replies are from physicians, and forty-seven from principals of public or private schools, and superintendents of public instruction in various places. The information obtained from the replies has been arrayed under the following heads: --

- 1. Regarding the fact of the existence of these evils.
- 2. Nature of the maladies.
- 8. Excessive amount of study, as a cause.
- 4. Faulty methods of teaching, as a cause.
- 5. Bad sanitary condition of school, as a cause.
- 6. Dissipation out of school, as a cause.
- 7. The health of girls.
- 8. Health of teachers.

### 1. — Existence of the Evils spoken of.

As regards this point, the question was put to physicians as follows: -

"Have you observed frequent injury (see below for definition) of a temporary or permanent sort, resulting from the excessive or unsuitable work exacted of children and young people in schools?"

This was answered affirmatively by twenty-two; negatively by four; "Yes but not from school-work proper," by four; and, "Very rare with us," by one.

The corresponding question, put to teachers, read as folllows: -

"Have you seen pupils suffering from headache, nose-bleed, debility, languor, or other complaints, which you think caused by school-life or school-work?"

Answers: —
8
rely
en
3
Total
By these the special remark was made, to wit, "Boys rarely," two; "Girls
worse than boys," one; "Never bad for the vigorous and strong," one;
es, owing to bad food and lack of exercise," two; "Yes, owing to over-
rtion in walking and gymnastics," two.

There is here a reasonable degree of agreement between medical opinion and that of professional educators (who for the sake of brevity shall be called "teachers") as to the existence of an evil; but medical men seem to be more impressed with its frequency than teachers.

### 2. — Nature of the Maladies.

That which may be called "Neurasthenia," characterized by the symptoms of debility and general depression, dyspepsia, sleeplessness, irritability, and headache, was mentioned by fourteen different physicians. Seven others gave a general assent to the entire list of disorders printed in the circular and, of these twenty-one, several made special mention of the following diseases; viz.,—

Menstrual anomalies	7
Irritable spine	5
Hysteria, chorea, neuralgia, each	4
Nose-bleed 1	

The following disorders, in addition to those named in the circular, were mentioned spontaneously, each by one or two physicians: Deformity of the chest or spine, injury to the urinary organs from long confinement in the school, phthisis (consumption), typhoid fever, self-abuse, insanity; of which only the last two properly come under the head of "nervous injuries."

The teachers' replies add nothing to this list.

# 3. — Excessive Amount of Study, as a Cause.

As regards the actual amount of study required, it is stated by the teachers that the number of hours spent in school, inclusive of recitations, recess, and gymnastics, is reasonable in most cases, — twenty-five or twenty-six hours a week, or even less, in twenty-three cases; about thirty hours in ten cases; thirty-six in one; forty-five or fifty in one; and sixty in one. The two last are certainly very excessive; and this is admitted by the correspondents, who are principals of large academies in New England. Study at home is not required in nine cases; for scholars over thirteen years of age, two or more hours a day are required in eight cases, and less than two hours in fifteen; for those be tween ten and thirteen, one or two hours in seven cases; for those under ten an hour a day in two cases. The latter requisition is certainly improper. The amount of study was considered "suitable" by twenty-six teachers, while ten thought it too great in their own school or under their own observation.

# 4. — Faulty Methods of Teaching, as a Cause.

A good many teachers have remarks to	make pointing	g in this direction.	
The methods of teaching, and the qualifications	of teachers, are	spoken of in general	
terms as inferior by			
Emulation is condemned by			8
Emulation is praised by			8
Emulation is said to be good for boys by			1

<sup>1</sup> A symptom pointing to congestion of the head, observed frequently among school children by Guillaume in Neufchatel, and Becker in Darmstadt. In these American school-children it would seem to be less frequent. Of the "teachers," only three referred to it at all, though specially asked; and those three denied that they had ever observed it.

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The following recommendations are made, each by one or two teachers: -

To educate girls over fourteen as far as possible by themselves; to let young people over fifteen or sixteen study by themselves; to guard young children against the nervous excitement which arises from simple contact with a large number, even of the best scholars in a boarding-school; to let each young lady student have a separate sleeping-room; to inculcate religion as a motive for conduct; to give more frequent recesses; more play-ground; a room in the school for dancing in recess time; occasional reduction of work, or sending home for a while; to lengthen the terms, or require more time for the course of study; to pass the scholar more slowly through the different grades; to abolish public exhibitions; to abandon the "high-pressure" system; to give more prominence to the study of physiology; and finally "a total revolution!"

In fact, very few teachers have failed to see at least one point where the management of schools (I do not say of their own schools) is faulty; and physicians, in making their suggestions, have spoken particularly against those features of school life which tend to produce anxiety and worry, as competitions and public examinations.

# 5. — Bad Sanitary Condition of Schools, as a Cause.

Of these, ventilation is the only one mentioned by teachers, who speak of it as bad in various degrees in twenty cases, and as good in two.

### 6. — Dissipation out of School, as a Cause.

Question to teachers: "Do school-girls of fifteen and upwards spend much of their evenings in company or at public places of amusement? What kind of harm, and how much, do you think arises from this class of excitement as compared with school influences?"

This class of excitement was said to do more harm than study by twentyone; it was said by nine to do no special harm, in many cases because prohibited by the school; and twelve state that that the habit is frequent in the place they write from.

# 81. — Health of Teachers.

A question put in the circular addressed to teachers was answered as follows:—

Health of teachers generally good, or no worse than the	at	of (	oth	er	cla	.sse	s			5
Might be good if they took fresh air, &c										
Very unhealthy vocation if they do not obey the laws										
Health generally poor										9
Not much better than that of sewing-girls										1
They break unless we take great care of them										1
More liable to break down than pupils										5
One of the occupations that bring most strain upon the	e n	erv	ou	8 8	yst	em				1
Health sooner affected than in other occupations					٠.					1

In conclusion, the following brief summary of the most conspicuous results of the investigation is presented:—

- 1. School-work, if performed in an unsuitable atmosphere, is peculiarly productive of nervous fatigue, irritability, and exhaustion.
- 2. By "unsuitable" is chiefly meant "close" air; or air that is hot enough to flush the face, or cold enough to chill the feet, or that is "burnt" or infected with noxious fumes of sulphur or carbonic oxide.
  - 3. Very few schools are quite free from these faults.
- 4. Anxiety and stress of mind, dependent mostly upon needless formalities in discipline, or unwise appeals to ambition, are capable of doing vast harm. It is hard to say how much is actually done; but a strong sentiment against such injudicious methods is observed to be springing up in the minds of teachers.
- 5. The amount of study required has not often been so great as would harm scholars whose health is otherwise well cared for.
- 6. Teachers who neglect exercise and the rules of health seem to be almost certain to become sickly, or to "break down."
- 7. Gymnastics are peculiarly needed by girls in large cities; but with the present fashion of dress gymnastics are impracticable for larger girls.
- 8. The health of girls at the period of the development of the menstrual function ought to be watched over with *unusual* care by persons possessed of tact, good judgment, and a personal knowledge of their characters.
- 9. One of the greatest sources of harm is found in circumstances lying outside of school-life. The social habits of many older children are equally inconsistent with good health and a good education.

### EXTRACTS FROM CORRESPONDENCE.

I.

From a Boston Physician.—"I have not infrequently met cases of consumption, that could be traced directly to over-stimulation by examinations at the end of the school year. That is, the patient having kept up under inordinate strain during the term, made strong efforts to gain honors, and broke down immediately after, and when I saw them were far advanced in phthisis. I have no doubt that confined and bad positions during study-hours, and want of exercise, had their influence; but that over-study was apparently the death-blow seemed evident. I have seen so many of such cases, that I now urge parents who have transmitted frail constitutions to their children, or whose children from any cause are feeble, not to permit them to go but 'half-time,' to school, and to leave as soon as the health wavers in the least."

II.

"Over stimulation of the brain undoubtedly produces all the symptoms you mention, each child being affected with that form of complaint to which, from personal and hereditary peculiarities, he or she may be especially liable. What I have said particularly applies to public schools, where but little or no allowance can be made for idiosyncrasies.

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"Brain-work is constantly in excess of the capacity of the constitution to endure, and at the same time comply with the demands made upon it by other processes, such as growth, development, &c."

The above is quoted as a strong, and perhaps exceptional opinion, held by an eminent specialist. In contrast to it see VI., from an eminent teacher in the same city:—

### III.

"As far as my own direct observations are concerned, I could refer to many such evils as you speak of in the case of teachers, especially, or rather exclusively, among young women. . . . I know of one case where there was some, but not a strong tendency to mental disease, inherited in a young girl of fifteen, who evidently broke down, lost a vigorous, elastic condition of health, and became ill with melancholia of a severe type, attended with delusions and some stupor, simply from cruel overwork to stand high in her class and 'pass the examinations.'"

### IV.

"Yes: more especially have I observed these injuries resulting in young girls. I would likewise say, that, in addition to one or more of the symptoms which you enumerate, deformity, contracted chest, and distorted spine, are frequent results of overwork of the brain, combined with bad position and long-continued application."

### V.

From a Massachusetts Physician.—"Through timidity and want of fore-sight, previous to entering school, the little children suffer from inattention to the calls of nature. I think female teachers are very careless respecting their children in this matter, and personally I have known great suffering in consequence. This long-continued confinement of young children, I consider to be a very great evil. I can see no propriety in confining these children more than a very brief period at one time."

### VI

From a Teacher in Boston.—"During my fifty years in a schoolroom, I have seen no cases of ill-health, which, in my opinion, could be justly attributed to the school. True it is, that 'headaches,' &c., are many times more numerous, now than they were fifty years ago; but this does not result so much from the fact that boys are worse than then (although it is unquestionably true that the sources of corruption are far more numerous and wide-spread than formerly), as they do from the altered style of living in the better part of the community. Boys and girls are not born with the constitutions of their grand-parents, and therefore they cannot endure so much."

### VII.

A Grammar School. — "I have noticed irritability and languor among boys, caused, however, by self-abuse. The boys of the first class I always warn at

the beginning of the school-year against this by no means uncommon evil. In classes lower, I do not hesitate to talk to boys individually when necessary. It is strange to me that parents, especially fathers, do not warn their boys against this vice in their early years. Of the great number of boys I have talked with, I have found but two who had ever been warned; and, in every instance (?) the vice has been learned at the early age of nine or ten years; in one instance at the age of five years."

#### VIII.

A Grammar School.—"The ventilation of most of our school-buildings is simply abominable. And I do not believe it will ever be much better until School Boards, and not Common Councils, build these structures. The school-building in which I am is a 'modern' one, built three years ago. It is impossible to keep the air from becoming unendurable in a very short time, except by opening the windows."

### IX.

From a New York Physician.—" One young gentleman (of most exemplary personal habits), who was studying hard for examination in a school of engineering where the curriculum was severe and the class-room mephitic, ran himself down into a condition of toxemia and neurasthenia, which caused me some anxiety; and he informed me that several of his classmates had completely broken down under the same circumstances. In less degree, the consequences of excessive mental strain with insufficient exercise and ill-ventilated rooms are things of almost daily experience. The injury is probably due, not so much to the amount of mental work in ordinarily robust individuals, as to the conditions of inadequate arterialization under which the brain is forced to perform this work."

# THE HEALTH OF GIRLS.1

Under this heading there were no figures to present, and the points to be noticed are contained in the quotations which follow:—

A Girls' Private School.—"It seems to me that among such scholars as I meet, the greatest difficulty lies in an incomplete adaptation to a changing phase of society. I mean, that, for the past twenty years the social, and what I should like to call the æsthetic, claims upon young girls have been constantly increasing, until they are incompatible with an amount of school-work that twenty years since did not seem unreasonable, and did not produce any bad results, so far as I may judge from the experience of my own contemporaries. Now, if all these outside claims are just and right, the school-demands must be in some way modified, of course; but if they are, as I think they will prove, excessive, they will yield in time; and, meanwhile, there must be such adaptation as is possible, and that mainly by individual effort. Then, when society recognizes that it should not expect from school-girls the artistic, musical, and dramatic experience of the accomplished woman of society; when the mothers of our girls can moderate the excited cravings of the inexpe-

rienced seeker of pleasure; and when their physicians will inquire what has kept the healthy girls and women from nervous and other complaints, then I believe that the demands of society, and parents and physicians, will entirely coincide with those of the school-teachers, and with the best good of the scholars."

From a New England Normal School. - "The work done by students requires constant application of the mind five days each week, of nine or ten hours' study; or from forty-five to fifty hours. I consider this too much. The ill effects of this pressure are obviated in good measure by, 1. Ten minutes' intermission each hour, with marching movements to and from recitation-rooms. 2. By constant appeals to the perceptive faculties, and use of apparatus in objective methods of teaching. 3. By a regular daily exercise in light gymnastics in hall, with music, for at least thirty minutes at close of afternoon session, with marches and great variety of movements. 4. By short terms of ten 'weeks each, thirty weeks in school-year, with two weeks' intermission between terms. 5. By voluntary self-discipline, which in the main is all that is needed of this class [Normal] of pupils. My observation of these requirements leads me to say that for adult students, many of them teachers, five rather than seven hours are sufficient in the building. . . . Generally, almost invariably, those who keep the exercise retain their health and mental power. Others, who do not exercise as enjoined, are more subject to irregular conditions of body and depression of mind under the discipline described above This is equally true of either sex."

From an Academy for Girls, New Hampshire.—"I feel that much social relaxation unfits the mind for the closest application. It sometimes takes a week to get over the effect of an evening out, with no great excitement. It affords topics of conversation on persons and things that do not tend to elevation, and the breaking up of the regular routine of study hours loosens the hold these hours had on the mind. One evil should be avoided. It is, parents and patrons sending for pupils to go home on special occasions, such as dancing-parties at their own houses, and then sending them back to school, dragged out and exhausted, nervous and unfit for study. Three weeks will sometimes pass before the effect of such a visit passes away."

From a former Superintendent of an Insane Asylum. —"I must answer you from recollection. I have had one case of typho-mania, three of acute mania, six or seven of delusional disorder and great prostration, of female teachers from Boston and vicinity. I have seen a few cases of hysteria, and one of epilepsy (female teachers), all manifestly from over-work and anxiety of teaching. The epileptic was manifestly suffering from the bad air of the schoolroom, and has made a good recovery, i.e., no fits for four years.

From Calais, Maine. — "I have known, since 1869, while carefully watching fifteen hundred school-children in our schools, two girls injured by hard study. I have known more than five hundred injured by late hours and the excitements of social life, and more than fifty I can recall at this moment whom I know to have been seriously injured by late hours, party excitement, and premature introduction to social life."

A Seminary for Girls, New Hampshire. — "School influences upon growing girls of thirteen and upwards, so far as my observation has extended, have not

been unfavorable to their development as women, nor injurious to their general health. I believe they should be carefully treated, and relieved from oppressive burdens and work, especially when they desire it, at stated periods, for a short time. With this care, which cannot be so properly exercised in mixed as in separate schools, our young ladies may complete a full course of solid and ornamental study, and come out in full vigor of body and mind."

Principal of a Boston High School.—" Not unfrequently I see girls suffering from headache or languor, which seems to me caused by the wear of school-life; not merely by the work, but by the anxiety, the restraint, and confinement, of school. I have rarely seen boys of fair constitutions in our high school suffering from overwork,—not half a dozen cases in ten years. I have often noticed a great change in the appearance of girls after leaving school. Pale, thin faces grow fresh and plump in a few months. It seems to me desirable that girls should be educated as far as possible after fourteen by themselves, and without any stimulus further than that furnished by their desire to have their teachers' approval. In an experience of eight years in a private school for girls, I found no other stimulus necessary. I think any kind of emulation among girls is morally and physically hurtful. With boys the effect is certainly different, and is on the whole good."

A Private School for Girls in Boston.—"I have never made it an arbitrary rule to suspend or change the course of study, and with ordinary common-sense care with regard to clothing, and the surrounding pursuits and interests of life in young girlhood, there are but few who have not been able to be present and to do the usual amount of work. I think, as a general thing, I have observed keener nervous sensitiveness, and less concentration of thought perhaps, for the first year or so [of the period between fourteen and eighteen]; but after this, if the rest of the nature has been developed healthily and wisely, I have usually found increased interest and power of comprehension and acquisition.

. . I believe, that, even in exceptional cases, a moderate use of the intellect tual faculties is of great benefit to mind and body."

A Physician in Boston. — "The male sex, at about the age of puberty and while fitting for it, need looking after quite as much as the female sex, so far as head-work is concerned. . . . Both sexes, under circumstances, have the lessons to get out of school [in Boston], and sometimes, I believe, at the cost of brains as well as body in after years."

Principal of a Boston High School.—"Female teachers have generally more than the average strength of constitution; but in our mixed schools there are few upon whom the worry of school teaching and discipline does not have a very marked effect."

Principal of a Boston Grammar School.—"The young lady teachers are many of them fresh from school, and the continuous work soon causes the health to fail. The practice recently inaugurated [in Boston] of exacting out-of-school work in perfecting themselves to teach special branches, has been a great tax upon their vitality."

A Boston Grammar School.—"A better chance to maintain good health than in any other calling open to the average class of women."

Superintendent of Schools, Springfield, Mass. - "School-teaching is very ex-

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hausting. But most teachers are imprudent. If conscientious and ambitious, they over-work, and do not divert themselves sufficiently out of school. A worn-out teacher is used up for this world. But the circumstances under which they work have more to do in producing ill health than the work itself. I cannot think the occupation, as such, particularly injurious. It seems to me otherwise."

At the close of Dr. Lincoln's paper, the following paper was read by him in the absence of the author: —

### GYMNASTICS FOR SCHOOLS.

By J. J. Putnam, M.D. READ AT DETROIT, MAY 12, 1875.

For the purposes of this brief paper, which can claim to have a suggestive value only, I have thought it best, in considering the subject before us, to attempt to give answers as definitely as possible to the following three questions, which I think cover the points mainly at stake in the matter:—

- 1. In what way, and to what extent, may gymnastic training be made useful in the education of school-children?
- 2. What means of securing it have been anywhere adopted, and with what results?
- 3. What means would be likely to insure the best results in our own schools?

The first question, as to the utility of gymnastic training for children in general, calls, perhaps, most of all for a definite answer; for it would, I think, become evident to any one looking at all closely into the matter, as it certainly has to me, that the greatest obstacle to the general introduction into schools, of any satisfactory system of physical training, would be in the want of definite appreciation, on the part of both the public at large and of controllers of school education, of the proper and possible value and aims of such a system. Those teachers are, I believe, in the minority, who regard the study of physical culture as something worthy of being pursued in schools with the same method and persistency that all are ready to accord to the training of the Many of them feel a certain jealousy lest what they consider as the highest branches of education should suffer by the introduction of this new and apparently less important study; not remembering that the proper aim of school education should be to fit us in every possible way for the work of our after-lives. Let it but be shown, however, that physical training of such a kind as can be obtained to advantage only under the guidance of skilled instructors is an important part of this preparation, and its right to a place in the school, where alone such instruction can be had, must impress itself upon all by an irresistible

logic. This done, the question as to what particular system would best be adopted in special cases would soon be settled, and for this, as for other branches of school education, competent teachers would soon be found.

I will here forestall the main objection made to the introduction of any system of gymnastic exercises into schools, - viz., that such exercises could never be as useful as play in the open air, - by calling attention to two points: first, that however true this might be for children who were by nature strong, and inclined to follow outdoor sports, yet to those of whom a certain number are to be found in every school, who, if left to themselves, would take little or no exercise out of doors, — to these, at least, the influence of school gymnastics might make the difference of health instead of invalidism in after-life; second, that in certain important respects the benefits to be expected from outdoor play and from systematic physical training are essentially different. In the case of the latter, it is not so much the enforcement of a certain gross amount of general bodily exercise that would constitute its chief value, but rather the careful and scientific training of the various groups of muscles of the body, whether it be those concerned in carrying on the functions most necessary to life and health, as that of respiration, or those employed in walking, running, and standing erect.

It is manifest that for ends like these the aid of skilled teachers and well-considered methods of instruction would be absolutely requisite. I shall then endeavor to show that systematic school exercises may be of service in the education of children, first by promoting general health, second by bestowing certain special and highly important accomplishments.

In discussing the possible benefit of school gymnastics to the general health, I believe it to be best to refer but little to physiological explanations and theories, the validity of which in some cases is still an open question, in order not to awaken in the minds of scientific and thoughtful persons a spirit of distrust rather than a spirit of confidence.

The relation between indiscriminate physical exercise and the general health is certainly not one of direct proportion. With adults, at least, great muscular development is neither necessary nor directly conducive to good health, valuable as it may be indirectly or as an accomplishment. Athletes are by no means always among the healthiest persons; and, on the other hand, we can all recall within the circle of our own friends instances of the combination of perfect health with only moderate strength of limb. It was commonly stated, during the late war, that the young men of the city were able to stand the hardships of campaign life better than their more muscular brothers from the country. I do not mean to under-estimate the immense value of great strength,

considered as an accomplishment merely; and still less would I undervalue its tendency to lead its owner into the open air, where other and more essential elements of good health are to be found; nor would I deny that with growing children the importance to the health, of a large amount of outdoor exercise, may be comparatively greater than with adults. I desire only to place in stronger relief the statement that, even for children, systematic training, when properly directed, may be of value to the health, although it may not involve any large amount of physical exercise. One way in which it can be made pre-eminently useful is by helping to perfect the all-important process of respiration. That much needs to be done and can be done in this direction, was shown to some extent in the case of the children of the Boston schools, by Prof. Monroe, during the few years of his successful teaching. seems, at first thought, as if the power of breathing properly were given us, in most cases at least, already perfected by Nature; or, at all events, as if its development were something beyond our own control. In fact, however, this is far from true. The singing-master has to work hard and long to enable his pupils to sustain a good tune through a few bars of music; orators with fine voices are rare among us; and yet, with the basis given by proper school-training, we could often perfect ourselves in these accomplishments by almost unconscious practice. power to do these things is not, to be sure, necessary to good health: in fact, the conditions of good health (if by that be understood the power of doing, without injury or suffering, the work which is required of one) must vary with the habits of each individual; and for one leading a life of idleness they might dwindle to a minimum, so far as physical exercise is concerned; but the man or woman, in our average society, whom a short hill or a flight of stairs obliges to slacken their pace for want of breath, or whom an enforced run to the cars may seriously injure, cannot be said to possess that degree of development of the power of respiration that the conditions of health demand in their case. The nervous processes involved in breathing properly are, indeed, largely automatic in their character; but, in order that the complicated machinery of the automaton shall work satisfactorily, it must first be put in order; and to do this must be the work of the intelligence. Nature is not a lavish giver, or only to the few; and any thing like perfection in development, we must win for ourselves by careful study. Furthermore, it is beyond question, that such systematic education of the functions of respiration might, and often does, help to save one endowed with less than the average power of resistance, from lingering and fatal diseases of the lungs, - so much so that the practice of exercises in breathing, even in a crude form, is frequently prescribed by physicians in the treatment of such cases.

The best treatise upon the proper method of educating the breathing powers and the voice, that I have been able to find, is the little book by Prof. Monroe, whose name has already been mentioned. Most of the German and French works on gymnastics, with the exception of those treating of their use in disease, complete as they are in other respects, appear to be somewhat deficient in this. For the exercise recommended by Prof. Monroe, no apparatus or special costume is required. For proper walking and running exercises, a large empty room would be almost essential.

A proper system of physical culture in schools would also have reference to healthful positions in sitting or standing, more or less directly connected with the general health; of which, however, I will not now speak, further than to say that in connection with the question of school desks, which is being studied by another member of this department, that of the best method of developing the muscles of the back will have, sooner or later, to be considered.

If it is concluded that our children, like our ancestors, should sit erect and unsupported while they study, their muscles should certainly be so trained that they should be able to do so with the least possible fatigue, and the least possible temptation to sink into slouching postures.

Apart from the relation between physical training and the general health under ordinary circumstances, there are certain injurious influences peculiar to school life, the effect of which the school is surely bound to neutralize so far as possible.

Chief among these influences are, first, that of continued study through several hours, in the course of which intelligent application is likely to degenerate into listless mental drifting; not to speak of the ill effects, especially upon the circulation of the blood, which attend sitting in one position for so long a time. I find that this is already well recognized by many teachers, as well as the advantage of breaking the morning session by a few moments of gymnastic exercise. Second, that of the foul air, which in a schoolroom accumulates so rapidly, and of which, with our present insufficient means of ventilation, we are hardly able to get rid, except by a thorough opening of windows, during which process scholars would be liable to take cold if not fenced against it by active exercise. improper positions in sitting, which give rise, with a frequency of which teachers are perhaps hardly aware, to deformities, which in after-life bring the scholars under the doctors' care. Thus I have it on good authority, that in a school of 731 pupils, at Neufchatel, 62 cases of deviation of the spinal column were observed among 350 boys, and 156 cases among 381 girls. These results are further stated

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not to differ materially from those of examinations made in German schools. According to Adams, in 83 per cent of 782 pupils in which this deviation occurred, it was towards the right, probably in consequence of writing at unsuitable desks. According to Eulenburg, in 92 per cent of 300 cases the curvature was also to the right. It is true that these curvatures are not always associated with public health, since they sometimes occur in a slight degree to the strong and well; and it is true also, that they may arise under influences not peculiar to school life, such as the preponderating use of one or the other arm for any purpose. There can be but little doubt, however, that to the habit of writing at unsuitable desks belongs the largest share of blame.

It will be noticed, that, in the statistics which I have just given, the spinal curvatures were found to occur with much greater frequency among girls than among boys, — partly due, no doubt, to the fact that they play fewer active games, and are in general more restrained in their movements. In the brief report of a recent meeting at Berlin, of some of the highest authorities of Germany, called together to consider the entire subject of the school education of girls, I find a notice of an address by Herr Raaz, principal of a school in Berlin, in which he speaks of the common occurrence of these spinal curvatures in his school, and says that he has found the use of gymnastics to be powerful in preventing them.

I may anticipate somewhat by mentioning that at the end of their meeting it was unanimously voted to be very desirable that the study of gymnastics should be introduced as an obligatory subject into the programme of instruction in schools for girls.

I cannot leave the subject of health-giving relations of judicious physical exercise, without calling attention to the fact that without it lectures on hygiene and physiology must lose one-half of their value. The scholar must have been made to feel the benefit and sense of satisfaction resulting from the proper use of his muscles before lectures on the subject can be turned by his brain into working influences. Just as the artist's eye detects a slight blemish in a painting to which one less trained would be indifferent, or as a skilled musician shrinks at the sound of a false note, so one to whom the conditions of health have become practically familiar, whether it be good air to breathe, or the proper use of the muscles of the chest and back, is far more keenly sensitive to the failure of these conditions than he could possibly be if they had been known to him as intellectual conceptions merely.

The systems of exercises which would meet the ends hitherto referred to may be found in various books upon gymnastics, many of which are known to you all. Most of these systems do not require a special hall, but only that there shall be room enough in the neighborhood of each desk — as a successful teacher writes — for the pupil to be able to take one step in each direction, and swing the arms freely in all directions. They may be used daily or even several times a day for a few months, for instance, immediately after a recitation; as, indeed, is already done in some of our schools.

I should be glad to speak of the value of physical exercise regarded as an accomplishment in training the scholar in certain special respects. The boy or girl who can climb and jump and run as they are taught to do in Swedish schools, and can do so better than his or her companions, has an advantage over them to be compared with that given by the power of speaking another tongue.

A large hall, with a few simple pieces of apparatus, is all that would be needed for these exercises; and the instruction need be given but once or twice a week. Such a hall is coming to be considered a sine qua non in the best common schools in Europe; so that Mr. Philbrick, late Superintendent of the Boston schools, on his return from a recent visit to Europe, writes that "in Vienna every modern schoolhouse has its gymnasium, and every school one or more gymnastic teachers, no special teachers in this branch being employed in the public schools in the city."

A third important work which its advocates say is done by gymnastic training in connection with school life consists in inculcating a sense of discipline and self-subordination in the minds of the scholars which serves to increase the efficiency of the school in its other departments.

On this point I shall not dwell, because, so far as I have found, no two opinions are entertained as to the reasonableness of the claim. Whatever else may be said about the desirability of having military drill in higher schools and colleges, no one, I think, acquainted with the subject, would hesitate to give it his support in this respect.

Leaving now the health and strength giving influence of physical culture, let us pass for a moment to not the least important of its relations; viz., that in which it is directly associated with a more purely mental, or, more strictly speaking, artistic cultivation, keeping to the expression and thereby to the more perfect conception of feelings and emotions that are not sufficiently precise to be satisfactorily translated into words, but that need another language analogous to that of music. It is universally conceded, that the use of the art of sculpture in some of the nations of ancient Greece was due, among other causes, to the strong hold upon the people of that physical culture which in other respects was productive also of such wonderful results. Even if not themselves practised orators and athletes, the artists of Greece lived surrounded by those who were such, and thus imbibed their spirit.

It is true that we strive to foster an artistic sense among our children by familiarizing them with the manifestations of grace and strength in the human form, in providing our schoolrooms with casts of ancient statues, &c.; but we forget that the artists who modelled them, and whose fine taste we hope to appreciate if not to acquire, must, to some extent at least, have derived their power to do so from observing men and women around them, with whom physical grace and the control of the body had been a matter of lifelong study; and partly, also, as the natural outgrowth of their own pursuit of physical culture. It is surely but natural, that the keen sense of appreciation, which only an expert can feel, of the exact meaning of this or that poise of the body, of the economy of power and the hidden strength implied in it, should help to awaken in the artistic mind the desire to embody these conceptions in durable forms.

To foster to any great extent the art of sculpture, may not lie in the province of the common school, any more than it is in its province to foster any other of the special accomplishments to any extent; but it certainly does belong to it, so far as possible, to prepare the soil in which such an accomplishment might grow. Furthermore we must remember, that these works of art are beautiful only because they represent the possibilities of human development, and that the thing itself should be of more importance in our estimation than its image.

Rev. Charles Kingsley in writing on this subject, after referring enthusiastically to the Grecian system of education, intellectual and physical, says, "Now, if the promoters of higher education for women will teach girls not only to understand the Greek tongue, but to copy somewhat of the Greek physical training; of that 'music and gymnastic' which helped to make the cleverest race of the Old World, the ablest race likewise, then they will earn the gratitude of the patriot and the physiologist, by doing their best to stay the downward tendencies of the physique, and therefore ultimately of the morale, in the coming generation of English women."

### PART SECOND.

In referring to the history of the practical introduction of gymnastic training into schools, the countries of Europe, where this study has been making constant headway during the last half-century, naturally claim our first attention.

You will not be surprised to hear that during this time, as at the present day, the education of boys in this respect has received a larger share of thought and favor, from governments and from the public, than that of girls. It must, however, be borne in mind, that this is by no means because students of the subject have considered that girls

are not in need of physical training. On the contrary, it has been everywhere distinctly understood and expressed, that it is partly on account of the claims of the army, and partly because, from their organization and habits, they repay better a certain kind of physical training, that the boys have received superior advantages.

Speaking roughly, there are three well-recognized systems of gymnastics, all of them at least half a century old, that, pure or mixed, are in use over most of the Continent of Europe at the present day.

- 1. The system of Frederick Jahn, born in Germany in 1778, which was framed rather to create athletes and soldiers, than to answer the more generally useful ends of physical culture, especially so far as girls are concerned. Its general adoption in Prussia and Denmark has, in fact, fairly helped to keep the claims of girls far in the background.
- 2. That of the Swede, Ling, born in 1776, who developed more fully than any one the free exercises of the body and limbs, performed with little or no apparatus, such as are now everywhere more or less in use, striving also, with zeal that rather overreached itself, to place his system upon a physiological basis
- 3. That of Spiers in South Germany, born in 1810, who, working with unbounded personal enthusiasm, studied particularly the exercises requiring the concerted action of a number of persons. These exercises found their full development in a sort of drill without arms, although freer movements, such as those of various dances, were also represented in them.

It was my original intention to present some details of these different systems before you; but as this paper has already occupied so much time, and as they would be scarcely intelligible except to special teachers of this branch, I have thought it best to omit them. I do not, indeed, feel myself able to discuss their comparative merits fairly; and I do not believe the time has arrived when it is important for us to do so.

If we look at the now prevailing condition of gymnastic instruction for girls in Europe, we find it to be as follows:—

In Holland gymnastics are not taught in the primary schools in the country towns, but are taught at all schools in the large cities, in large halls kept for the purpose. This instruction is given to both boys and girls. None but the eldest classes use exercises that require apparatus of any kind. Instructors in gymnastics, both male and female, have abundant opportunity to fit themselves at the general normal schools, which are supported wholly or in part by government; and the male teachers are obliged to have passed an examination, theoretical and practical, in that branch. Furthermore, in order to supplement the efforts of government, a society called "Society for the Public Welfare" has instituted schools for gymnastics at several of the large cities, — Groningen, Amsterdam, Rotterdam, &c.

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In Denmark gymnastics have been an obligatory study since 1814, both at the normal and at the general schools; and at Copenhagen there is a special institute for the instruction of professors of gymnastics. This institute is under military charge, and its spirit is felt everywhere. The exercises have, however, a military turn.

In Sweden the celebrated system of Ling is an obligatory study in all the public schools, three to six hours a week being devoted to it, subject to the advice of a physician who is appointed to examine each scholar at the beginning of the school term. For the education of teachers there is a great central institute at Stockholm; and the graduates from the normal schools must moreover have passed a special examination in this branch. A former pupil of this Swedish system has established a gymnasium at Boston recently, and has taught also at the Girls' High School with excellent results, as far as could be judged in so short a time. A large part of the instruction is in the so-called "free exercises," including proper methods of sitting, standing, lying, walking, running, jumping, as well as exercises in concert, games, &c. The aim of these free exercises is to call into action in turn, the greater part of the voluntary muscles of the body; and with an intelligent, earnest teacher to direct them, there is no end to the modifications and combinations that can be made, calling for precision and strict attention and skill on the part of the pupils. As in all other exercises, the consciousness of progress made toward a good which still remains always in advance is always found to be attended with a sense of pleasure; and, the better the pupils are required to perform the exercises, the more they enjoy them.

In Prussia gymnastic culture has been obligatory in the primary schools, and indeed throughout Germany, in the schools for boys, is almost everywhere an obligatory study, although, except in the large cities, it is not systematically pursued. The official manual is a little book written by Angerstein, the Chief of the Municipal Normal School of Gymnastics of Berlin. The fact, that the importance is recognized of having the instruction in the branch systematic and thorough, is shown by the care which is taken to provide abundantly for the instruction of teachers.

At Berlin, for example, three different varieties of diploma of professor of gymnastics are conferred. These are: 1. The diploma of the Central Institute, or its equivalent, that of the Municipal Normal School, or of a special examining commission, which gives the right to instruct in the schools and seminaries of the higher grades throughout the State. 2. The diploma of those normal schools in which the study of gymnastics has been obligatory since 1854. This diploma constitutes a recommendation for its holder in seeking a place at any of the large schools of the city. 3. The ordinary instruction diploma, accompanied with a certificate that its holder has followed a certain course of instruction in gymnastics at one of the normal schools, and is fitted to teach it among his other duties at any small school in the city or country. The examination for the higher diplomas is written, practical, and oral, requiring a knowledge of the various methods of instruction, the literature and history of the subject, and the rules for the construction of the apparatus, &c.

In Prussia, in striking contrast to the excessive attention paid by the government to the gymnastic training of boys, little or nothing has been done for the girls except through private means. Thus, out of a population of thirty-nine thousand girls at Berlin, seventeen hundred and forty-five only, or four and a half per cent from nine schools, received any degree of instruction in 1873. That this neglect has not been due to a want of appreciation of the importance of physical training for girls, is shown by the simple fact, that when in 1864 the Gymnastic Society of Berlin, supported by a recognized medical commission, petitioned the Minister of Education to initiate some changes in this respect, they were answered, that although fully appreciating the necessity of gymnastic training for girls and ready to encourage private efforts to obtain it, the government was unwilling to take the initiatory steps. Manifestly the needs of the army was a stronger influence with it than the desire to improve the general physical culture of the people.

It will be remembered, that in the early part of this paper I said that attention had been called to this point in Berlin, at a recent meeting of teachers of the higher girls' schools; and I may add that, after the discussion, an officer of the government stated that changes were already in prospect in the organization of the Great Central Institute for teachers at Berlin, favoring the education of female teachers in this branch. In this connection another point may be mentioned which directly interests us; viz., the habit, both in Prussia and Holland and other places, of encouraging the study of physical culture among actual teachers in the schools by giving them opportunity of attending closely, during three or four weeks in each year, to gymnastic courses at some good institution; the government supplying their places while absent, and even paying their expenses.

In other provinces of Germany, more is done in the way of instruction for girls, mainly in the shape of courses for which a small fee is paid; such instruction is given under the auspices of that great gymnastic confederation which extends all over Germany, counting more than a hundred and fifty thousand members, and serving to keep alive a love of physical culture throughout the land.

In England there is no obligatory instruction in this branch; but earnest appeals have been made for its introduction.

In France, Austria, and Switzerland, it is made obligatory by laws which, in the two latter countries at least, are thoroughly carried into execution. Of the capital of Austria we have already spoken in an earlier part of the paper.

In Switzerland, the importance of the subject is fully recognized; and the study of gymnastics is, nominally at least, obligatory. Here also military drill, the merits of which as compared with other kinds of physical training I shall not now discuss, is very much in vogue.

Of the history of physical training in this country, I need not speak at length. It is true that something has been done by general regulation in certain places, — for instance, in Boston, where at this moment a rule exists that a few minutes of each half-session in the public schools should be devoted to physical exercise; but systematic attention to the subject pushed to the point of success has been due to private enterprise.

The number of these individual instances, however, and the degree of their success, have been great enough to warrant the conclusion that under proper auspices it would be both practicable and useful to introduce physical training as an obligatory study more generally into our schools, as may be seen from the remarks in the paper on school hygiene by Dr. F. Winsor, in the report of the Massachusetts State Board of Health, of January, 1874. The most notable cases of success that have come to my knowledge have occurred in the Boston schools during the period of Prof. Monroe's teaching, though he directed his attention particularly to the cultivation of the voice; at Vassar College; at the State Normal School at Philadelphia; and at Amherst; not to speak of the many schools where gymnastics have been used to a greater or less extent, nor of the public and private teaching of Dr. Dio Lewis, Dr. Mason, and others. The example set by Amherst College is peculiarly instructive. It is now a dozen years since a number of gentlemen, officers and friends of the college, solved in the affirmative the question as to whether or not a system of light gymnastics, to be practised daily, could be made at once interesting and beneficial to college students of an age when a revolt against irksome and tedious tasks is most in order. The system is established now on a firm basis; and the founders can point with pride to the testimony of graduates and undergraduates, and to a diminished sick-list, in proof of the success of their undertaking.

Yet their materials are of the simplest order, consisting of a piano and wooden dumb-bells; and their exercises are invented by themselves. They have, of course, had their slight ups and downs, from time to time, and have come to some interesting conclusions, one of which is, that the accompaniment of music is a sine qua non of the success of the enterprise.

### PART THIRD.

In recommending the adoption of a practical system of gymnastics in our own schools, there remains but little more for me to say. All authorities agree, that teachers skilled in the work, and convinced of its importance, are necessary to the success of any system. We must, then, endeavor to obtain a large number of good teachers; and these would naturally be drawn from the normal schools; and with them lies, to some extent, the key to the situation. A sufficient number of teachers, for these schools at least, could be obtained either from abroad or at home, — for example, graduates of the schools and colleges already

mentioned, and others like them, — as has already been done to a certain extent. The final aim would be to fit all teachers for giving instruction in this branch; and a step in this direction might be taken, by making arrangements by which teachers could leave their schools for two or three weeks at a time, in order to attend gymnastic courses.

As to the system itself, it seems to me, that there should be exercises of some sort once or twice daily, for a few moments only, as is largely done already; and, two or three times a week, more extended instruction be given. If, at the same time, a fondness for physical culture could be made to spread from the teacher among the pupils, and from them again among the public, much good might be indirectly accomplished. The conclusions arrived at by the Belgian Commission, so often referred to, are very interesting in this connection. They review with some care the comparative merits of the system in which fixed apparatus is employed, and that in which none or very little such is used, and give their opinions in favor of the latter; at the same time specifying with minuteness exactly what pieces of movable or fixed apparatus they consider permissible.

They condemn the complicated systems in use in many places, which have for their aim, the acquiring of great strength, and the power to perform athletic feats, as objectionable and impracticable; and quote the opinions of gymnasts and experts as to the great value of the free exercises; and recommend lastly, that these exercises should be practised twice daily, and directed by the teachers at large, who should receive their instruction at normal schools, where the subject should be made obligatory. Whatever be the merits of any practical system, however, it must fail of accomplishing its object, if not nourished and supported by the conviction and enthusiasm of its teachers and the public.

Inasmuch as greater weight is attached to the testimony of practical workers in any field, than to that of theorizers only, I shall ask your attention for a moment to a few extracts of letters, from teachers of high rank, in various parts of the country, upon the subject with which we have been dealing. From a distant State one writes,—

"They (physical exercises) should not only have a place in the daily programme, but their observance should be as regular as that of any other exercise. The tendency of the system of graded schools is to limit the work done, to the course definitely laid down in the several grades, and to limit it still further within this course to those topics which are made the subject of examination in passing from one grade to another. In teaching these, the teacher expends largely his time and energy. Now, as physical exercise has not been placed on a level with the scholastic work of the school, made compulsory to all, and a condition to promotion, it has not generally received

regular and systematic attention. Our schools are, in the main, shaped by public sentiment, and do move efficiently much in advance of popular opinion, as represented by the school-officers of the country."

The principal of a "girls' normal school" in one of the large cities writes, —

"The most extraordinary results have been produced. Before the introduction of this subject (physical culture), the exceptions to the rule were those who did not have the headache: now the exceptions are those who do have have it. Upon examination, we have found that systematic instruction in this direction necessarily breaks up the injurious habit of tight lacing, from the fact that the pupils must wear loose dresses upon those days set apart for practice; and the consequence is, healthy, vigorous, rosy-cheeked girls."

Miss ----, who has managed this department of the school just mentioned, "with great success for several years," writes, "There is, I am sorry to say, a deplorable lack of interest here, as elsewhere, in the subject of physical education, . . . while our future men and women, forced to sit by the hour with cramped muscles and contracted chests, in schoolrooms where the air is foul with many breaths, will graduate quite probably with active minds, but almost certainly with enervated, undeveloped bodies. . . . There is but one public school in this neighborhood at the present time, where there is a department of physical education conducted upon these conditions (persistent systematic training). . . . To establish such a department, demands but little change in the present school system, since almost any schoolroom may be transformed almost instantaneously into a gymnasium, no apparatus being required for the lower grades, and only a few light implements carried in the hands for the more advanced pupils, and each scholar needing only space enough upon the floor for a step in each direction, and room to straighten the arms in front and at the sides. Of the pupils, the requirement is slight, being merely that the dress shall be short enough to leave the feet unencumbered, loose enough to admit of a full inhalation without feeling the clothes at the waist or across the chest, and large enough to permit the free play of every muscle in the body. For this, no special costume would be required, except in the highest grades. Music is a great addition to the exercise, but not a necessity. But the great difficulty, and in fact the only serious one, is the dearth of regularly trained teachers of gymnastics, who are not only fully prepared for the work, but who are enthusiastic in the cause, and able to impart their information to others. This arises from the low standard of physical culture admitted by public opinion. Let it once be required, that those who teach this branch shall of necessity be regularly trained, and there will be a supply of good teachers in a marvellously short time."

The principal of the school last referred to touches, as it seems to me, upon a point of greatest practical importance when he says that the introduction of light gymnastics into his school has done something toward initiating a real reform in the dress of the girls. Enough is said in these days of the evil results that follow upon tight lacing and

the wearing of dresses which do not admit of the free use of the arms; and yet the practical work of conversion goes on but slowly: if, however, the rules of the school obliged the girls to wear a more reasonable dress two or three times a week when the exercises were performed, it might fairly be expected that the real merits would be recognized and remembered. The arguments of comfort are stronger than those of persuasion.

In conclusion I wish to make mention of a few of the best books upon gymnastic training, in order that it may be seen how much attention the subject has attracted in different parts of the world, and the direction in which its supporters are working. The first of which I shall speak is a closely printed book of about four hundred pages, called "Statistik und Schul-Turners in Deutschland" (Statistics of Gymnastic Instruction in the Schools of Germany), published by the National Turnerschaft in 1874, and giving accurate statistics of the extent to which gymnastics is actually practised in every school throughout Germany and Austria. It contains, besides, an apparently complete statement of the German literature on the subject, comprising more than a hundred books, together with a variety of other facts compiled with the precision in which German statistical works are known to excel.

Another notable work is the "Theoretisches Handbuch für Turner," by Angerstein, director of the Städtische Turnhalle in Berlin. It is made up mainly by lectures given by him in his course for the instruction of teachers. It treats of the elements of human anatomy and physiology, the history of the use of gymnastics among the ancients, and its introduction into Europe, as well as the practical details of a manual. The subject of gymnastics for girls is thoroughly discussed in a book of four hundred pages by Herr Kloss, who holds in Dresden a similar position to that of Angerstein in Berlin. Another excellent and similar work upon the same subject was published in 1872 by Schettler, a director in Plauen; and in both of them a good deal of space is given to the description of games to be played out of doors, many of them accompanied with songs of which the music is given. The æsthetic side of the subject is presented in a book, among others, upon the Gymnastic Culture of the Greeks, by Otto Yäger.

Of the books in the French language, I will mention only the "Gymnastique Populaire Raisonné," by Junot and Sanglet, published in Neufchâtel in 1873; of those in English, two books by Archibald MacLaren of the Oxford gymnasium, meant rather for colleges than schools; several by Matthias Roth of London; and in this country the well-known books by Dr. Dio Lewis, who writes with vigor of the importance of gymnastic instruction, and gives some exercises invented

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by himself; and the manual by Prof. Monroe of Boston, already mentioned.

The manual of exercises in use at Amherst, invented largely by its author, Prof. E. H. Barlow of 1866, the captain of their gymnastic class, has also been published. A more detailed account of these works will not now be necessary. Enough has been said to show the spirit in which the subject has been approached by experts; and those who wish to give it more careful study will find the materials ready to their hands.

At the session for discussing the Effects of School Life upon the Eyes of Children, a paper was read by Dr. Webster of New York, embodying the statistical results of the investigations now in progress under the direction of Dr. C. R. Agnew. The work is still incomplete, and will doubtless require one year more, at the least, before it can be published as a whole. The following is from an abstract of the paper, made by Dr. Agnew:—

### EXAMINATIONS OF THE EYES OF AMERICAN SCHOOL CHILDREN.

European observers have demonstrated the fact, that during school-life there are developed in the eyes of scholars, diseases which increase in frequency and gravity from the primary to the university grades. It is not necessary to repeat here a review of the work of Cohn, Erismann, and others, as that has already been done elsewhere. Our object now is, to begin a statement of the result of preliminary examinations made in New York, Brooklyn and Cincinnati, on the same subject. In these cities, the eyes of cholars, 2.884 in number (the eyes, and not the scholars, are enumerated, as there is frequently a difference between the two eyes of one person), of both sexes, ranging in age from six to twenty-six years, were examined, and the conditions as to the refraction and diseases noted and tabulated. In the same connection, the state of the schoolrooms as to light, desks, heating, and ventilation was observed; as also the length and distribution of study-hours, and other facts affecting health.

In Cincinnati, O., 1,264 eyes of scholars were examined by Dr. Ayers and Dr. D. Booth Williams. About one-third of these belonged to the district schools, one-third to the intermediate, and the remaining third to the normal and high schools. In the district schools, 13.3 per cent were near-sighted (11.3 of the boys, and 15.3 of the girls). In the intermediate schools, 13.8 per cent were near-sighted (9.5 per cent of the boys, and 18.1 per cent of the girls). In the normal and high schools, 22.8 per cent were near-sighted (22.2 per cent of the boys, and 23.2 per cent of the girls).

Dr. J. S. Prout and Dr. Arthur Mathewson examined 600 eyes of students at the Polytechnic, Brooklyn, N.Y., all boys, 284 belonging to the academic, and 316 to the collegiate department. In the academic department, 9.2 per cent were near-sighted, and in the collegiate department 21.8 per

cent were near-sighted. Dr. William Cheatham examined 1,020 eyes of students in the New York College, New York, all boys; 670 belonging to the introductory class, 210 to the Freshmen, 110 to the Sophomores, and 30 to the Juniors. In the introductory class, which is made up entirely of students who have passed the public schools, 21.9 per cent were near-sighted; of the eyes of Freshmen, 26.2 per cent were near-sighted; of the Sophomores, 22.7 per cent were near-sighted; of the Juniors examined, 50 per cent were near-sighted. The number of Juniors examined was too small, however, to be of any scientific value.

The tables show that staphyloma posticum, one of the gravest organic changes in progressive near-sightedness, increased from 0.5 per cent in the district schools, to 7.6 per cent in the intermediate, and 10.4 per cent in the normal and high schools.

The following paper was presented, but not read, at the same session:—

### Rules for the Care of the Eyes.

### By Dr. D. F. Lincoln, Secretary of the Department of Health,

When writing, reading, drawing, sewing, &c., always take care that

- (a.) The room is comfortably cool, and the feet warm;
- (b) There is nothing tight about the neck;
- (c.) There is plenty of light, without dazzling the eyes;
- (d.) The sun does not shine directly on the object we are at work upon;
- (e.) The light does not come from in front: it is best when it comes over the left shoulder;
  - (f.) The head is not very much bent over the work;
- (g.) The page is nearly perpendicular to the line of sight; that is, that the eye is nearly opposite the middle of the page, for an object held slanting is not seen so clearly;
- (h.) That the page, or other object, is not less than fifteen inches from the eye.

Nearsightedness is apt to increase rapidly when a person wears, in reading, the glasses intended to enable him to see distant objects.

In any case, when the eyes have any defect, avoid fine needlework, drawing of fine maps, and all such work, except for very short tasks, not exceeding half an hour each, and in the morning.

Never study or write before breakfast by candle-light.

Do not lie down when reading.

If your eyes are aching from firelight, from looking at the snow, from overwork, or other causes, a pair of colored glasses may be advised, to be used for a while. Light blue or grayish blue is the best shade; but these glasses are likely to be abused, and usually are not to be worn, except under medical advice. Almost all those persons who continue to wear colored glasses, having, perhaps, first received advice to wear them from medical men, would be better without them. Travelling vendors of spectacles are not to be trusted: their wares are apt to be recommended as ignorantly and indiscriminately as in the times of the "Vicar of Wakefield."

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If you have to hold the pages of "Harper's Magazine" nearer than fifteen inches in order to read it easily, it is probable that you are quite nearsighted. If you have to hold it two or three feet away before you see easily, you are probably farsighted. In either case, it is very desirable to consult a physician before getting a pair of glasses, for a misfit may permanently injure your eyes.

Never play tricks with the eyes, as squinting or rolling them.

The eyes are often troublesome when the stomach is out of order.

Avoid reading or sewing by twilight, or when debilitated by recent illness, especially fever.<sup>1</sup>

Every scamstress ought to have a cutting-out table to place her work on such a plane with reference to the line of vision as to make it possible to exercise a close scrutiny without bending the head or the figure much forward.

Usually, except for aged persons or chronic invalids, the winter temperature in workrooms ought not to exceed 60° or 65°. To sit with impunity in a room at a lower temperature, some added clothing will be necessary. The feet of a student or seamstress should be kept comfortably warm while tasks are being done. Slippers are bad. In winter the temperature of the lower part of the room is apt to be 10 or 15° lower than that of the upper.

It is indispensable, in all forms of labor requiring the exercise of vision or minute objects, that the worker should rise from his task now and then, take a few deep inspirations with closed mouth, stretch the frame out into the most erect posture, throw the arms backward and forward, and, if possible, step to a window or into the open air, if only for a moment. Two desks or tables in a room are valuable for a student, — one to stand at, the other to sit at.

The next subject of discussion was the establishment of the office of Medical Inspector of Public Schools. It was opened by reading the brief of a State law, prepared by Joseph Willard, Esq., of Boston, modelled essentially upon the Massachusetts law establishing the State Board of Health. It is here printed, not as a measure which receives in every point the sanction of the Department of Health, but as containing many valuable features.

# PROJECT OF A LAW ESTABLISHING THE OFFICE OF MEDICAL INSPECTOR OF SCHOOLS.

First, He shall be appointed by the head of the Department of Public Instruction.

Second, Term of office three years.

Third, Must be a physician.

Fourth, Is expected to devote his entire time to the duties of this office.

Fifth, Salary three thousand dollars, payable quarterly, plus necessary expenses for clerical labor and travel.

Sixth, He shall take cognizance of the interests of health among the teachers and children of the public schools.

Seventh, He shall make sanitary investigations in respect to schoolhouses

<sup>1</sup> Or in the case of women, by childbirth.

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and grounds, and to all circumstances connected with the management and instruction of schools, which may appear to influence the health of scholars or teachers.

Eighth, He shall make himself acquainted with the means employed in other States for preserving the health of the inmates of schools.

Ninth, He shall seek to trace the origin and mode of extension of epidemic or other diseases among inmates of schools, and to point out measures for the arrest or prevention of such diseases.

Tenth, He shall from time to time inform the Department of Public Instruction of the results of the aforesaid investigations, and shall suggest to the said department such modifications of the system of instruction and management existing in the schools of this State, as, in his opinion, would conduce to the improvement of the health of teachers and scholars.

Eleventh, He shall further, in the month of January of every year, present to the Department of Public Instruction a written report of his doings and investigations in the line of his duty as aforsesaid for the year ending with the 31st of December next preceding.

Twelfth, He shall gather, and from time to time shall present to the department, such information, in respect to the interests of the public schools as he may deem proper for diffusion among the people.

The concluding session of the Department, held May 13, was occupied by accounts of the Philadelphia examinations, and of those instituted by Prof. Bowditch; these have already been spoken of on p. 86. A paper containing a synopsis of the leading principles in school architecture was also read, and occasioned much comment. It is not reproduced here. The session adjourned at noon, sine die, after passing a vote of thanks to the chairman, Rev. Mr. Brigham.

# THE FINANCIAL POLICY OF ENGLAND AND THE UNITED STATES.

# BY G. BRADFORD.

# READ AT DETROIT, MAY 12, 1875.

HARDLY fifteen years have elapsed since the finances of the United States first became a matter of serious importance; at least, if we include under that term only the common items of debt, revenue, and expenditure. If, indeed, we add the kindred subjects of currency and banking, want of importance is certainly not the phrase to employ. That is a most disastrous history, and one which well justifies the remark of Hon. Richard Cobden, that the United States have suffered more from bad currency than from slavery itself. Deeply, however, as that branch of the science enters into the life of the nation, and intimately as it is bound up, not only with the prosperity but the morals of the people, yet there is so little agreement as to the principles upon which it is based, that I prefer to adhere to the simpler elements for purposes of illustration.

When we read, that, up to the year 1860, the total budget of revenue and expenditure of the United States, though it had doubled in ten years, did not exceed \$84,000,000, while for recent years it has amounted to \$320,000,000; that before the outbreak of the civil war, there had never been any income raised by the United States from excise or internal taxes; that the debt of the United States before the civil war never exceeded \$127,000,000 at its highest point in 1816, and, having been entirely paid off in 1836, reached in 1860 only \$65,000,000 against \$3,000,000,000 four years later; that the revenue from fluctuating tariffs, manipulated for private and local purposes, was, at one time sufficient, not only to pay off the debt at a high premium, but to leave a surplus for distribution among the States, while at another it fell off to such an extent as to cause a serious deficit in the annual balance sheet, — it is evident that the administration of the treasury did not call for or present any great exhibition of financial skill.

Before dwelling upon the peculiar conditions of our financial administration which have made themselves apparent in the change of circumstances, though they can be shown to have been always in existence, I wish to review a course of events in many respects analogous to what followed the close of our war, but presenting in themselves incomparably greater difficulties. The Kingdom of Great Britain emerged in 1815 from a war of twenty years' duration, with a debt of four thousand five hundred millions, a sum, it need not be said, vastly greater than would be conveyed by the same figures to-day, even on a gold basis. During that war the funded debt, bearing three per cent interest, had fallen nearly to fifty per cent of its par value, a point in which we certainly have not the advantage, since, notwithstanding Mr. Chase's cherished delusion that he was selling no bonds below par, our six per cents did fall below forty; the real difference being that the profit of the subsequent rise accrued to foreigners instead of the domestic fund-holder.

It must be kept in mind, too, that there were not at that time several wealthy nations standing with a superabundance of capital, ready to rush into any investment not regarded as absolutely desperate. Not only could not Great Britain borrow, she was forced to lend, - to subsidize nearly all Europe during that tremendous struggle. That she was compelled, therefore, to resort to a forced paper currency, is much less surprising than that it should not have fallen at the worst period to more than twenty-five per cent discount, or, to adopt the more popular expression, that gold should not have advanced beyond 133, while, with all the advantages of modern finance, the price of gold in our paper touched 290. There is, probably, no single proposition which has involved so much cost to this country as that the government debt must not be sold below par; a policy which, in view of the quotations of our bonds in foreign markets, reminds one of the ostrich, which is said to suppose itself perfectly concealed by burying its head in the sand.

Within six years from the close of the war, specie payments were resumed by Great Britain, and have ever since been maintained; against which we find, that, after a lapse of ten years, this country has not made a single well-considered step to that desirable end, and that to all appearance we are as far from it as at the close of the war. The experience of Great Britain in this respect ought to be of the greatest practical value to us; but, while the facts form a bone of contention even among experts, as far as the instruction derived from it by Congress or the government is concerned, one would never suspect that such history existed.

I pass over the years preceding the passage of the first reform-bill, because it was only subsequent to that date that was commenced the series of reforms, not merely in finance, but in other directions, political, social, and religious, which, whatever we may think of the actual

condition of the people, or of the national character, have fairly earned for the working machinery of the English Government the first place either in ancient or modern times. The financial situation at the close of the third decade of the century, was unsatisfactory in the extreme. The budget of 1838 showed a deficit equal to \$7,000,000; that of 1839 a deficit of \$2,000,000; that of 1840 of \$7,000,000; that of 1841 of \$9,000,000; while that of 1842 was estimated to fall short by \$12,000,000, involving an increase of debt of \$37,000,000,000 within five years. The most alarming symptom was, that the decline of revenue took place in the great items of customs and excise; an attempt to increase the receipts by raising the taxes in these branches having actually resulted in a decrease. Business in all branches was depressed, pauperism increasing, and the people despondent. It was at this moment that Sir Robert Peel came forward with a proposal for the application of the income tax, an instrument which had lain in disuse since the close of the war.

We are accustomed to regard England as a country governed by the rich and for the benefit of the rich. Yet this tax - a tax which falls almost wholly upon the rich classes - was voted by the representatives of those classes - and after the emergency was past, and the revenue began to show a surplus, was renewed from time to time for twenty years, resulting in financial progress which lends to this dryest of subjects almost the interest of romance. Do not suppose that I claim for the British aristocracy or moneyed classes any especial degree of philanthropy or disinterestedness. I believe they are quite as selfish and oppressive as their brethren in other parts of the world. would insist upon is, that wonderful adjustment of political forces which can make the interests of the nation superior to that of any class, and which, while proceeding without violence and with the most tender respect for vested interests, can vet concentrate public opinion . upon a definite point to be attained, and then, applying pressure as with a political jackscrew, gently but irresistibly overcome any degree And here let me deprecate the shudder which passes over every man who is fortunate enough to be exposed to it, at the bare mention of the income tax. Fortunately our finances show no present need of it, and it is to be hoped they will not for a long time to come. But we all remember how eagerly it was abolished among the earliest of the taxes. A great deal of complaint was made of the inequalities and injustice of the assessment. But with the exception of the publication of the returns, a gross outrage, which is not at all an essential element of the tax, which is itself a flagrant proof of the loosest administration and entire want of official responsibility, and which has never happened in Great Britain, where the most inviolable secrecy is preserved, - with

this exception, there is not one of these objections which has not been urged upon the Chancellor of the Exchequer at each renewal of the tax, while that official, steadily resisting amendments as impracticable, has as often been able to carry the tax in the face of moneyed opposition. It is not the income tax for which I claim your approval; but the power which is strong enough to administer finance from a national and not from a class, local, or individual point of view.

Another still more striking instance of this peculiarity, is to be found in the repeal of the corn-laws. I doubt if, in the history of the world, any struggle between classes of such an internecine character has been settled without bloodshed or violence. It has many features of analogy with the conflict between our farmers and the railroads; and those who look with anxiety on this issue will do well to give a close study to the solution of a problem far more difficult. I go so far as to believe, though I confess with little expectation of sympathy, that, if we had possessed a similar political engine for mediation between classes and sections, it would have been possible to secure the abolition of slavery without a civil war. On the one side stood a landed aristocracy, as prejudiced and stubborn as any in Europe, believing, whether rightly or wrongly, that their welfare depended on the maintenance of the duty on corn. On the other was rising the vast population of the manufacturing towns, determined that, while the rest of the world stood ready with food to exchange for their products, they would no longer submit to artificial restrictions. Again, Sir Robert Peel and his band of followers stood forth and fought a battle more glorious than any of the blood-stained fields of which Europe is so proud. "Ah!" it will be said, "but we have no Sir Robert Peel." I hope, if you will take the trouble to follow the comparison I am about to present, you will be open to the idea that it is the system rather than the want of men from which we suffer. I believe we have had, in public life, men as much superior to Sir Robert Peel in all the qualities of a statesman. as he was to the average Congressman or Member of Parliament. But our organized destruction of individuality made their lives a failure. Uniform mediocrity is a natural result of the application of Procrustes' bed.

To return to the income tax. The writer from whom I quote says, "Sir Robert Peel had spent the autumn and winter in maturing his plan of finance, and on the 11th of March, 1842, laid it before the House of Commons in a speech of very great ability. The debate on the tax-bill lasted for eight nights. Every stage was strenuously contested; and as many as sixteen divisions were had, not reckoning motions of adjournment." Almost every word of these sentences is full of instruction. Instead of awaiting the actual meeting of Parliament,

without even the slightest inception of a financial plan, thus giving to preparation the whole time which should be devoted to discussion and the elucidation of principles, and postponing the most important measure till the very last days of a session, we have the highest trained official in the Kingdom, spending the whole year in evolving a detailed and comprehensive plan, ready for placing before Parliament on its coming together; instead of a bald written report, fettered at once by the impossibility of blaming Congress for past shortcomings, and by inability to enforce any recommendations for the future, we have an oral exposition, embracing the subject in all its parts, reviewing the mistakes and successes and the lessons of the past, balancing the considerations and probabilities of the present and future, and paving the way to debate. And then follows the debate itself. No doubt there is a vast deal of talk in the British Parliament, of which despotisms, whether of individuals or majorities, are apt to be impatient: and from it results a great deal of delay in important matters. But this is in politics a far lesser evil than precipitation. Violent and sudden changes are always injurious, even in the case of undoubted improvement. How much more so with measures which at best are empirical and of uncertain advantage! The slowness to admit material changes of laws in England is often commented upon, as well as the fact that a step once taken is seldom retraced. I believe the cause of this lies less in the national character than in the full and free discussion, both in Parliament and the newspapers, so that a measure once passed is pretty sure to be, not perhaps wise in itself, but in accordance with thoroughly matured public opinion. I ask any one to turn to a file of the London "Times," and, selecting some subject more especially within his own knowledge and interest, to read carefully a debate extending perhaps over seven columns. He will find, I am sure, in the first place, that his knowledge of the subject is greatly . enlarged. He will feel with what eager interest it must be read by the classes whose interests are affected. He will get a distinct idea of the character and views of each individual taking part in the debate; and, if he follows the debates as a practice, he will find those characters becoming as distinct and life-like as those of his personal friends and intimates. He will find himself, after testing men upon questions which he does understand, coming to trust implicitly the same men upon questions which he does not understand; and he will appreciate the process by which Pitt and Canning and Gladstone and Disraeli have wrestled their way to eminence, and which may, to all appearance, be relied on to furnish a line of worthy successors.

How many men in this country know any thing of the nature, the arguments for or against, or the probable effects, of the civil rights and

force bills? What individual character or talent is identified with either of them? Hatched in committee rooms, under the stimulus of party discipline, we find them borne on by a party majority determined to carry them by brute force and the gag. The minority have no means of resistance, except in frivolous motions which consume time by a tedious and reiterated counting of the house; the contest being reduced to one of purely physical endurance. Do not, I beg you, jump to the hasty conclusion that it is merely a question of difference in men. We will return to that in a moment.

In proposing the imposition of an income tax, the principal object of Sir Robert Peel was to restore the public credit, and provide a surplus instead of a deficit; but another, and hardly less important one was to furnish the means of making experiments in financial reform, without the risk of disaster from disappointed expectation. He proposed to reduce the duties upon timber and coffee, and 750 articles in the tariff, eepealing the export duty upon British manufactures. In the comparative ease with which taxation has been borne in this country, we can probably have but little idea of the relief which was thus afforded to a depressed and burdened industry. The first year of the new finance resulted in grievous disappointment, which, if the Minister had been subject to party attack without any power of speaking in his own defence, might have resulted in his destruction. But he was able to explain to Parliament that the failure was mainly in technical points; and to secure a continuance of the system, which, in a few years, yielded such brilliant results, and carried the country through the crisis of 1847 with a minimum of disturbance of the revenue, and none at all of the public credit. In 1847 the Peel Ministry resigned; and we need only remark how perfectly, under a change of administration, the financial sequence is preserved, Sir Charles Wood basing his calculations upon the principles and results of his predecessor. The budget of 1848-9 was presented to a new Parliament, and Lord John Russell renewed the income tax after a severe discussion. To quote once more, the "voice of the new Parliament had confirmed in the most decided manner the financial policy of its predecessor, and had not only renewed the most important of its measures, but had renewed it precisely in the form in which it had at first been adopted."

To those who care to pursue the subject further, I will recommend the perusal of a volume of the Financial Statements of Mr. Gladstone; statements which are said to have held not only the House of Commons, but large attendant audiences, for hours at a time, in rapt and silent attention; and in which are set forth in the most general scope, and the most minute details, in their workings, at once moral, social, and political, the character of past and proposed financial measures. I can glance at only one item: in 1842, customs duties were collected upon 1,200 articles; in 1845, upon 1,163; in 1853, upon 456; in 1850, upon 418; while in 1860 the whole revenue from this department was derived from 48 articles. If it were possible for a man to achieve for himself the position of Mr. Gladstone in making such a statement, do you think we should find any lack of talent competing for it?

I remark, once, more, that the point to which I wish to direct attention in English finance is not the wisdom of any particular measure, or set of measures. For instance, I do not discuss the question of free trade, which is such a passion with every Englishman. It has doubtless added to the wealth of Great Britain; but it may be that the consequent dependence upon foreign countries may involve vast suffering to the population in the event of a general war. In like manner, the Bank act of 1844, whether with reason or not, has called forth the bitterest opponents. Again, I make no comment upon the policy which has always preferred the reduction of taxation to the reduction of debt; or comparison of this with our policy or practice of reducing debt to the neglect or worse of the currency. I would point out that the finances are treated as a whole; that the measures of the present are framed with reference at once to the past and the future; and that when any object to be attained is once agreed upon, it is kept steadily in view by successive Ministries, and even generations; that, being placed under the control of one mind, they receive such previous preparation and coherent form that they can be subjected to close and definite debate; that this combined power and responsibility tend of themselves to produce an unfailing succession of financiers of the highest ability which the kingdom affords; and finally, that the degree of publicity, and the force of personal character, are such, that when a fierce struggle with any class interest becomes necessary, the whole weight of an advanced and enlightened public opinion can be brought to bear.

It is not an agreeable task to turn to the other side of the picture. I am aware that the popular idea of patriotism is adverse to the study of excellencies in foreign systems, and of defects in our own; that it is a presumption of weakness to dwell more upon ills we have than upon others which we know not of. But outside of those minds which are content to immerse themselves in the enjoyments and occupations of the moment, with the maxim, "After us the deluge!" there are serious and growing misgivings as to this great experiment of government. They usually concur in ascribing the threatened danger to universal suffrage. If such were my conclusion, I should certainly not be reading this paper. If universal suffrage is ever terminated in this

country, it will be by bloody civil wars and the rise of military power. If one must go over Niagara, it is better to do so with bowed heads and folded arms, than screaming and struggling in impotent resistance. There are defects of organization amply sufficient to account for our failures, and much less strongly fortified against attack. I hold that there can be no higher duty than to separate the necessary from the accidental elements of the situation.

There are two features especially prominent in the financial, not to say the general, history of the United States: First, the superior power of local and class interests as compared with the national, the certainty that in any conflict the latter will be worsted; and, second, the absence of any coherent policy or sequence. Every thing is empirical. The measure of to-day has no necessary reference to that of yesterday or to-morrow; the business of the country being exposed to sudden and incalculable changes, and the worst of all evils, instability. Since the establishment of the government, the tariff has been changed ten times, giving an average, if we omit the Hamilton tariff of the first twenty-five years, of less than five years. These changes were not made upon any settled principles, or with any sense of the national detriment, resulting from sudden fluctuations. They all consist of sharp transitions from high to low duties, according as the party of free trade or protection is for the moment in the ascendent. The history of these tariffs, moreover, shows a steady and almost regular progression in the indulgence of private interests, special articles being favored in the most outrageous manner. The reports which were published by the President of this Association, when special Commissioner of the Internal Revenue, set forth the ludicrous incongruity of the recent And the fate with which those reports met shows further what chance the national has of contending successfully with special interests. Before the country is called upon to decide between protection and free trade, it needs to insist upon the removal of these absurdities. In fact, so great, upon the least attempt to alter the tariff, is the pressure of private interests, that when more revenue is needed the only available method is to add a certain per cent "horizontally."

Not less striking is the history of currency and the banks. The first United States bank, from 1791 to 1811, seems to have had an almost unexceptional record. There were at first but three State banks, too weak to intrigue against it. It was well managed, and when forced to wind up in 1811, it did so speedily and honestly, having furnished a uniform currency for the country. It fell before the attacks of nearly a hundred local banks, who thought it for their advantage to have the custody of the government funds and to furnish the circula-

tion. How much the national interest was therein consulted appeared in 1814, when there was a general bank failure, the notes of those institutions circulating at a discount of from ten to twenty-five per cent; simple words, which convey no idea of the distress implied in them

In regard to the establishment of the second United States Bank it is said, "It was thought that a strong central and national institution, on which the State banks, now increased in number to two hundred and forty-six, might lean for support, would enable them to resume specie payments and to go on thereafter on better principles." other words, private interests were graciously pleased to allow a national institution to help them out of difficulties. Provided it did this it was of little consequence what else it did; and its management was subjected to very little efficient supervision. This end being accomplished, private interests again went to work upon it; and the removal of the deposits to the pet banks and the specie circular undermined the fabric, which, with no one to look after it, fell to the ground with a crash. For twenty years the country got along as it could with the issues of private banks for their own profit, until they came to a number of fifteen hundred. With the outbreak of the war came the legal-tender act, and the joy and excitement of the country at having once more a national currency were so great as to make light of the financial difficulties of the war. But alas! for the old story. thousand banks swarmed down to take their share of the profit, and embarrass the return to specie payments. The greenbacks cost the government nothing but the expense of preparation, while the national bank-notes involve a cost of twelve to fifteen millions of dollars. If there is one respect in which the latter are superior to the legal-tender notes, I have yet to see it. But while there is a languid discussion on the subject of contraction, it always applies to greenbacks, the tendency in the case of bank-notes being always towards increase.

The complete ignorance or neglect of financial history is shown in the policy which insisted upon floating bonds at par by excessive issues of paper, instead of keeping the currency at par, and letting the bonds find their market value.

For an explanation of these persistent and constantly recurring forces, let us attend in advance the assembling of the next Congress. The first event, financially, is the report of the Secretary of the Treasury. It would be a waste of time and labor for that officer to spend the summer in elaborating a plan of finance based at once upon sound theoretical principles and upon the proved conclusions of history. He knows too well that there is an element of far more weight in the account, — the interests and fancies which govern Congress. Any

effective review of the past would involve a censure of that body, which might be thought impertinent. Any plan for the future must reckon with the lobby. Except, therefore, a few suggestions of the most general character, the report is little more than a statement of account. Next comes the appointment of the standing committees. It is perfectly open to any one of three hundred members of Congress to propose a measure on any topic, financial or other, whence it results that the number of measures presented every session amounts to three or four thousand. As there is nothing whatever to give to any one of these a precedence over any other; and as obviously they cannot all be discussed, the selection must be left to the committees, from which follows the extraordinary consequence, that nothing can receive the attention of Congress or the government unless the assent of a committee is previously obtained. These committees are appointed by the Speaker, making that officer by far the most powerful individual in the government, though he has no direct responsibility for the results of his appointments. Of course the majorities in committee are on the same side with the majority of the House. There are sixteen committees of the House upon subjects more or less connected with finance, on ways and means, on appropriations, banking and currency, commerce, post-office, manufactures, agriculture, public expenditures, and pensions, besides seven others on the expenditures of the different departments. Of the Senate, there are distinct committees on finance, appropriations, commerce, manufactures, and the post-office, which I select as being more especially connected with financial affairs.

It might be expected that these committees would be ready with some matured conclusions to be presented to Congress when it assembles. Not at all. Nothing whatever is done until Congress meets, when the whole crude mass of propositions, including the Secretary's report, exactly on a par with the others, is apportioned to the committees. During the hatching process which ensues, Congress, as a body, has nothing to do, except the proverbial employment which is always provided for idle hands! In the last weeks of a session which has been mainly passed in the functions of a public laundry, the committee reports begin to pour in. Upon what motives and by what influences these are framed, the public have not, and can never have, any information, except what may be inferred from some general considerations. In the first place every member of these committees represents a locality and not the nation. He will be much more alive to local, private, and party interests than to those of the nation. Secondly, the responsibility for the ultimate effect of the measures recommended weighs very lightly on each individual, while the pressure of the interests demanding attention is tremendous. Thirdly, the committees are largely

made up of new men, not apt to be familiar with history or sound principles of finance, and not likely to fight very hard for them if they were. The state of things at the close of a session resembles nothing more than a football match of about equal numbers. There is a rush, a crowd, a display of arms and legs, a rending of garments, till the football emerges, though in what direction or in what part of the field no human foresight can divine. Measures come forth half prepared, often containing provisions which were not supposed to be there, and wanting others of the first necessity. Of effective debate there is not a trace. The majority are obliged to use their strength to get any thing done. It is a brute conflict of numbers. What can an executive department do with such legislation as this, or how can there be any of the personal responsibility which is the first requisite for developing talent and skill.

Time permits but a glance at the machinery upon which our finances depend. But any one who gives the least attention to public affairs can fill out the picture for himself. And what is true of the finances is equally so of any other department of the government. There are defects of organization, which, while the problem of government was simple, were less obvious, but which threaten its very existence when subjected to the strain of more complex political life. They have no inherent or necessary connection with universal suffrage. I hold it as not proven that the will of the majority of the people of the United States is in favor of abuses of any kind. The manifest failure, up to this point, is in the means of giving expression to that will. It may be regarded as in some sense fortunate, that one of the most delicate problems of human society is forced upon us at a comparatively early stage of our national existence. We might drift on for a long time with a bad tariff or a clumsy management of the national debt. But the evil of inconvertible currency, which robs the poor, and, while enriching the few, poisons the cup by making their prosperity as unstable as water; which is actually turning back the tide of emigration from Europe that has added so much to our wealth; which for a year and a half has kept commerce and industry paralyzed with fear; and which has turned the stream of reviving enterprise towards the speculation of the stock markets, - this evil cannot much longer be neglected. But whether it endures for one year or twenty, I am sure that there is but one way of dealing with it. All the expedients which financial students have suggested break upon Congress like idle waves upon the sea-shore. If any progress is ever to be made, the financial officer of the government must meet Congress on its first assembling with a matured plan having reference to the finances in all the branches. That plan, and no other, must be fully and thoroughly discussed; publicly, that the country may judge of motives; individually, that the talents and character of each man may be publicly developed. If the plan fails to command approval, another individual must be invited to submit another plan, to be thoroughly sifted by like public debate. Sooner or later a man will be found whose propositions can stand fire at once from the point of view of honesty, capacity, and technical skill; and when he is found, public opinion will take care that he is not brow-beaten or overridden by any force of lobby or private interests.

In the way of such a process there stands but one obstacle, doubtless of immense force, but for encountering which there is need, first, that it should be clearly seen. It is the tenacity with which Congress, like every other legislative body, clings to power. It cannot be too strongly urged that the conflict is not between the Republican and Democratic parties, neither of which is prepared or aims to deal with the real difficulty of the situation. It is a question between the peo-"A responsible finance minister," "National ple and Congress. management of the finances," "The people vs. the lobby," "Government for the whole, and not for a part," "Financial policy, and not financial chaos," "Definite and responsible power in place of secret and irresponsible." As a child turns round a mirror so as to attract the attention of distant passers by the reflection of the sun, I would strive to place this idea in some light by which it may penetrate the popular brain. In hundreds, I might almost say thousands, of individual minds, I have found it to meet with a quick and ready response. I know well how hard it is in the busy and teeming life of a great people to find acceptance for a new idea. But I know also, when once it takes root, and is believed to be both practical and advantageous, how it grows and spreads with irresistible force. In this power I place my trust for the means of encountering, not merely the financial, but many another difficulty, in the path of human liberty and popular government.

# LIMITATIONS OF JUDICIAL POWER.

BY EMORY WASHBURN, PROFESSOR OF LAW AT HARVARD UNIVERSITY.

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OUR members cannot have forgotten that in 1869 the Supreme Court of the United States, five judges against three, decided that the "legal tender act" of 1862 was not valid, so far as related to contracts then existing. Judge Grier having resigned his office in December of that year, and the office of an additional judge having been created, the vacancies thereby created were filled in February and March, 1870. During that year the case of Parker v. Davis was heard, and a decision of five judges against four was rendered. Judge Strong, who had succeeded Judge Grier of the former majority, together with Judge Bradley, newly appointed, and the former minority of the court, constituted the present majority. The opinion was given by Strong, J., wherein he says, "It will be seen that we hold the acts of Congress constitutional as applied to contracts made either before or after their passage. In so holding, we overrule so much of what was decided in Hepburn v. Griswold, as ruled the acts unwarranted by the constitution, so far as they apply to contracts made before their enactment."

This naturally leads one to inquire whether there is no way of determining, definitively, what powers the constitution delegates to and confers upon the separate branches of the government into which it divides its functions? Is it true that a question so vital in its importance, as whether Congress possesses the power to enact a given law or not, when once decided judicially upon a full hearing of competent parties, is settled and determined only so long as the opinions of the major part of the supreme court, for the time being, are in unison upon this point? Is it true that Congress may have such a power to-day, and its exercise may be binding upon the country, but by a change in the persons or numbers constituting this court, such decision may be reversed and overruled, and the act become, ab initio, void, on the ground that Congress never had such a power? If it be so, it ought to be understood better than it now is, that no false estimate should be put upon that doctrine of the law, "STARE DECISIS." And the extent to which this mutability of constitutional construction reaches should also be understood; since a decision like that of McCulloch v. Maryland, made in 1819, is just as open to being overruled as that of Hepburn v. Griswold, which was decided in 1869. If these were not conclusively settled, it is difficult to conceive of any means of establishing any thing which can, by possibility, be brought within the cognizance of the judiciary, or of preventing its being forever an open and fluctuating question.

The objection involved in the queries above suggested may be met by what may be assumed to be a necessary incident of the jurisdiction of every court of the last resort, a power to overrule and reverse its own decisions, when for any cause it shall think proper. It is not proposed to contest this power in matters of pure law, or those addressed to the discretion of the court. And if limiting and defining, by construction and interpretation of the constitution, the powers of Congress upon any given subject, come within the category of pure law or judicial discretion, it might seem a waste of words to set up what is reasonable against what has become established by usage.

The question lies deeper than the propriety of exercising a conceded It reaches the power itself, by the still further question, Whether construing the constitution, in order to determine the powers which it confers upon the legislative branch of the government, for example, is one of those judicial decisions, which, after deciding it in the mode in which judicial questions are raised and settled, is open to being overruled and reversed at any future time, however remote? To settle this question, it is necessary to go to the constitution itself, and look at it, as all deeds, contracts, and legal instruments are examined, in the light of the circumstances under which it was framed and In doing this, little aid can be derived from precedent or A new system of government was to be framed and applied under most peculiar and abnormal circumstances. Whatever powers it was to exercise, were to be delegated, and not only so, but limited to certain specific subjects; and the powers not thereby delegated to the United States were expressly reserved to be otherwise exercised. These powers were to be exercised by three separate and distinct classes of functionaries, representing three departments of government, - the legislative, the executive, and the judicial. It needed no interpreter however, to define what functions were embraced, generally, under these generic terms. But when it came to draw the lines which separated the one from the other, it became of the last importance to make them as distinct and definite as possible, in order to give consistency to the government, to preserve harmony in its parts, and prevent interference and collision of one branch with another. The whole history of the convention which framed the constitution shows the care and solicitude of its members in attaining this definiteness and certainty. But they knew, as everybody knows, that language is often

more or less ambiguous and equivocal in the meaning of its terms. In carrying out the mighty experiment upon which they were entering, they knew that they could not anticipate and provide for every thing which might require to be interpreted in the language which they did make use of, when it should come to be applied practically. It was, therefore, necessary in the matter of powers it created to fix and provide some mode or means, in the nature of umpirage, for giving this construction, that, when made, it should become, as it were, a part of the constitution: otherwise, instead of the instrument being made more determinate and intelligible thereby, it would grow more and more uncertain in its meaning by every new attempt to define it. The whole field of administration was open before them, and they wished to divide it between three proprietaries by lines as well as they could; and to supply any defect in tracing these lines, they delegated to the judiciary the duty of drawing them out, and setting the stakes which were to ascertain the precise boundaries between these proprietaries. Carrying out this analogy, then, when any one of these lines has been made out and its monuments established, this power of arbitrament has been exhausted; the agent, as to that specific part of his duty, is functus officio.

But it is said this construing the constitution is a judicial power, and has all the incidents of such a function, and among others that of the court overruling and reversing its former judg-The constitution does, indeed, declare in what courts "the judicial power" of the United States shall be vested, and to what cases this power shall extend. But it nowhere says that its judgments shall be after one model or another, nor how far they shall be conclusive. That seems to be left to the nature of the subject-matter which is to be treated by them. The constitution was providing for a new class of judicial powers, till then unknown to the common law or the English constitution, and in respect to which there were no precedents or It was clothing the judiciary with a power of declaring an act of the legislature void by exercising this very function of interpreting the language in which the power of Congress is attempted to be limited and defined. That was something outside of the legitimate and accustomed functions of courts and judges, as known and understood by the common law. In creating a court of last resort, the framers of the constitution must have had two purposes in view: one of them having relation to the duties and functions of similar courts in determining questions involving the rights of person and property; the other clothing the same court with a new, and until now unheardof function, that of construing and defining the extent of the powers and jurisdiction of the co-ordinate branches into which the government

had been divided. There was no necessary analogy between the extent and limits of the functions thus delegated to this court; nor ground for inference that because the judgments of courts of common law are subject to change and reversal by the changing circumstances under which questions are presented to them, this newly created function was to be exercised in the same variable and undeterminate manner. There is no reason why the two should be exercised in the same way, because they are delegated to the same body. And we believe that this distinction is sustained by "The Federalist" in No. 80, when treating of "cases arising under the constitution," as distinguished from those "arising under the laws of the United States." And Mr. Rawle, when commenting upon the powers conferred by the constitution, may be understood as referring to the same thing, when he says, "A function also appertains to the judiciary, in the exclusive right to expound the constitution and thereby test the validity of all acts of the legislature." This is what the court did in Hepburn v. Griswold. They expounded the constitution as to the powers granted to Congress in respect to declaring United States notes a legal tender, and decided that the act of making them such, so far as existing contracts were concerned, was invalid, because the power to do this was not one of those which had been delegated to that body. The parties interested in the question, and through them the public, had done what the constitution had directed them to do, to put the matter at rest once and for all, and remove any doubt in respect to it: they had gone to the judiciary; and, after a judicial hearing and examination, this constitutional umpire had answered their inquiry, and had drawn the line, and fixed the bound beyond which Congress might not go. And the public were not a little surprised to be told, that, after all this, it was not to the judiciary as a fixed and permanent functionary that the constitution intended to refer this most vital question for final adjudication, but to leave it to the varying members of it, counted by majorities, as they should, from time to time, read and understand its language. While some have considered a judgment bearing upon a question of the power of any of the co-ordinate branches of the government, as in all respects a judicial act, because performed by the judiciary, others have regarded it more in the nature of a ministerial function, in the performance of which judicial forms and rules were to be observed, but, when executed, it becomes a finality like other ministerial acts. One reason why it is believed that this latter has been the more generally received opinion among intelligent and thinking men is, that although there have been two schools of construction of the constitution from the start, which have entered into the party politics of the country, and given rise to fierce and bitter disputes, questions involving these distinct views of the

powers conferred by the constitution upon Congress have been, from time to time, settled by the courts, and acquiesced in by the adverse parties, apparently because they considered the question, when once decided, as no longer open for agitation. When an act of legislation has been declared unconstitutional, no state, we believe, has ever seriously tried to give it vitality by re-enacting it, or gone to the supreme court a second time when vacancies have been supplied in its constituent members, to try the experiment of asking to have their former judgment overruled.

One obvious ground of distinction between the ruling or judgment of the judiciary upon the delegation of a power by something as fixed and definite as the constitution was intended to be, and a question at common law, is found in the very nature of the questions to be decid-The common law, in its origin and mode of application, lacks the definiteness and stability at which the constitution aims. It is constantly growing and constantly being modified by new combinations and circumstances. And if a new rule under it seemingly conflicts, at times, with one already declared, it generally is not difficult to reconcile them by a comparison of the circumstances under which these rulings may have been made. Whereas, present circumstances cannot vary what was written and intended by the framers of the constitution. That, though intended for all time, is in its language and construction, a thing of the past. It is to be interpreted in the light of its own history, and can borrow little aid from the shifting politics of a later day. If the people for whom it was made desire a change in its language, or differ from their umpire, the court, in the meaning of this language, they have in the constitution itself, the means of correcting these defects or mistakes, without endangering its stability by opening a new field for doubt and discussion with every change in the members constituting the court.

What of stability was there to be gained in principle over the shifting legislation of Congress according to changing majorities, by appealing to a court whose decisions were to shift with every change in the majority of its members?

If we have made ourselves understood, the question which has been incidentally raised in these remarks relates to the future rather than the past. We make no issue as to what has been done, and have referred to existing cases chiefly to show the length to which the doctrine has actually been carried. So far as the legal-tender act goes to affect contracts existing at the time of its passage, the decision of the court, either way, can make no great difference in the matter of dollars and cents. But if that and like questions are still open, as often and as long as men and parties can be found to agitate them, it augurs

any thing but stability to our decisons, and even to the government itself. One of the most solemn and responsible duties which every patriot owes to his country, is to preserve our supreme court from the baleful spirit of politics. We expect to see our President chosen because his opinions coincide with those of a party. We expect to see questions of party politics influencing the actions and opinions of majorities in Congress. But the constitution meant to have one branch of the government which was to move in a higher sphere and a purer atmosphere than that which Presidents and Congress are obliged to breathe. It did not, therefore, mean to give either of these branches a chance to influence the branch which was to construe their powers, by acting upon the number or selection of those who were to constitute it, and doing this in reference to the construction which they were expected to give when these powers should be called in question. We need not assume that vacancies have been filled, or new offices created with any view of thereby changing a judgment already enunciated by the court. It is enough that it may be done, and that Congress and the President, representing a party in the country, may by possibility, manipulate the supreme court by indirect means like these, to give new constructions to constitutional limitations, and widen or contract the powers which that instrument has delegated to the federal government.

If ever the time shall come when the people of this country see, or think they see, judges of the highest court selected to undo what has already been done, in order to bring the construction of the constitution into harmony with the then political views of Congress and the executive, they will need something more than the moral power on which they have hitherto so confidently rested, to sustain the dignity of their high office, or give force to the judgments they may declare.

We have thus far assumed, that in matters of common law, as well as in construing statutes, the supreme court has the power of overruling its former decisions as incident to its very constitution as a court. But regarded as a court of appeal in the last resort, we have the analogy of the English House of Lords, in denying to it this power of overruling and reversing its own former judgments. When made, they are the final acts of such court. Its ultimate power of revision and decision has been exercised and exhausted. And it would be difficult to show, by any course of reasoning, why this power should be any broader or less limited in the supreme court as a court of the last resort in the United States, than in the House of Lords, — the court of the last resort in England. In the case of Attorney-General v. Dean, etc., of Windsor, the Lord Chancellor says, "By the constitution of

this United Kingdom, the House of Lords is the court of appeals, in the last resort; and its decisions are authoritive and conclusive declarations of the existing state of the law, and are binding upon itself when sitting judicially, as much as upon all inferior tribunals." In Tommy v. White, both Lord Brougham and the Lord Chancellor hold that a judgment pronounced by the House of Lords, "could not be set aside, and the case could not be reheard, without an act of Parliament passed for that purpose." The same doctrine is laid down in Wilson v. Wilson, and Everard v. Watson, and is adopted as law by Broom.

The very idea of having a court of last resort with a power to correct the errors and mistakes of inferior tribunals, goes far to sustain the doctrine, that the ruling of such court ought to be a final and conclusive declaration of what the law is, as much as a declaratory statute would be when passed with all due formality by the legislature; and can only be changed, like other laws, by legislative action. If the question is an open one here, it is time it was put at rest.

1 8 H. L. Cases, 69. 2 5 H. L. Cases, 59. 8 1 E. & B., 804. 4 Com. Law, 4th ed., 48.

# LIFE INSURANCE FOR THE POOR.

### BY ELIZUR WRIGHT.

READ AT DETROIT, MAY 18, 1875.

THE question I propose to consider is, How life insurance can be best adapted to the wants of those families whose sustenance and education depend not upon accumulated wealth, but on the wealth-accumulating faculties of some of their members.

In our country such families abound in all classes of society, from those of the lowest to those of the highest culture. But my question will regard specially the lower stratum; for in the upper, where the mind is the chief wealth-producing faculty, the poverty which results from the premature death of the wealth-producing member of a family usually stops short of pauperism. There are social safeguards, besides life insurance, to prevent the fall. It is the early death of the manual laborer which more often consigns to pauperism a family which would have continued to rise in the scale of happiness, if his life had been prolonged. It is to the destiny of such a family that life insurance is of the highest relative importance; and it is in this quarter that its benefits thus far have been least available.

In order to adapt life insurance to the classes that most need it, we must clearly understand what it really is, — its faults as well as its merits, its various modes and limitations, and their relation to the peculiar necessities and contingencies of its subjects.

We know how, with infinitesimal exception, human population wholly renews itself within a century; how the life of a generation is substantially about a third of a century; and, out of a very large mass of people of all ages, from zero to one hundred years of age, we know, within very narrow limits, how many of each age will die within a year. But what comes so near to certainty, as to the wasting away of the mass, falls largely, if not wholly, within the dominion of what we call chance, as to the individual. If the census-taker finds one hundred thousand persons, taking all as they come, of the age of 40, it is nearly certain that the deaths among them in one year will be more than 900, and less than 1,100. If he counts in the same way one hundred thousand persons of the age of 54, the deaths from among them in one year will be almost exactly twice as many, and if the age is 64, four times as many. Yet, in regard to either group, no one can

say with any approach to certainty, that the healthiest individual will not be included in the list of deaths. What we know of this matter, so far as we know it, is called the law of mortality. Of course, it is slightly hypothetical, - fiction founded upon many facts, but proved by experience near enough to the unknown truth for all practical purposes. The bearing of this law of the mass on the fate of the individual is called, in mathematical language, the Doctrine of Chances. It supplies to mankind, in regard to a great many subjects, a sort of substitute for fore-knowledge, or prophetic power, more or less useful. Life insurance is particularly one of the games regulated by it, and is more or less justifiable, according to the necessities of the persons concerned. To the families that are saved from suffering by it, it is gambling made useful. The person insured enjoys while he lives, the comfort of knowing, that, if he dies prematurely, his policy will make good to his dependent heirs, in some measure, their pecuniary loss by his death. It is the estate he will leave them; and its value to him day by day, and night by night, is all the greater, if he has no other And especially is this so if he prizes the spirit of estate to leave. independence which Saxon Smollett calls, -

# "Lord of the lion heart and eagle eye."

But when the beneficiaries of a policy would suffer no pecuniary loss by the death of the insured, having nothing to expect from his life and labor, it is gambling which lacks justification perhaps as much as any other, if not more. It is worthy of remark here, that while common law requires that an "insurable interest," that is, a pecuniary interest on the part of the beneficiary, shall exist at the inception of a policy, it does not require that the insurance shall cease when the insurable interest ceases. In point of fact, it often does not; and common law fails of its aim for reasons that will presently appear. So, also, the most competent writers on the subject have failed to persuade the practical managers not to issue a policy to extend beyond the age at which they would not be allowed to commence one.

Rich men cannot need life insurance so much as poor ones. The only justification of such insurance by men rich enough to leave their families well provided for without it, is that their premiums strengthen the company, and thus benefit those who have a real necessity for insurance. This is on the assumption that their lives are better than the average, and consequently that their investment, not providing for a necessity, is a bad one for themselves; but they probably resort to insurance, because they have some misgiving that their lives are not as good as the average, so that the money they expend in premiums will prove a profitable investment. Assuming that the heavier policies

in existing companies belong to rich men, they do seem to make a good investment; for in most companies the average death-claim is almost uniformly larger than the average policy. If the rich insurers do make a profitable investment, by the same token they do not, as an average fact, strengthen the company. They simply draw money from the more necessitous policy-holders, to enlarge the estates of those who have no necessity, and thus engage in gambling which is not justified by utility. Whether the heavier policies belong to people insuring without necessity or not, there is certainly need of more care to exclude bad risks on them, before life insurance will be as well adapted to the poor as it should be.

Where a real necessity for insurance exists, it may be regarded as a good investment, no matter how much better than the average the life may be, and notwithstanding the fact that the premiums paid may exceed the claim or endowment. If such a result could be foreseen, the investment would be bad; but it cannot be. And safety from an evil which may lurk in the future is as real as any other commodity, and may be cheap at twice its tabular cost, even if it turns out at last that there was to be no evil there. Besides, life insurance, by the very sense of safety it imparts, may prove a life-preserving medicine.

Legitimately conducted, though regulated by the laws of gaming, life insurance is really a standing together, shoulder to shoulder, of persons more or less exposed to a common danger. Though some may pay more money than others, in proportion to the money they receive, every one receives more value than he pays in money.

It is quite obvious that laborers of sound health and morals, such as are proper subjects of insurance, as a general rule, will accumulate a competent provision for their families and their own old age, if they live to become old. Hence the necessity for insurance will naturally decrease as life is prolonged. Any arrangement, therefore, which makes the amount of insurance large at first and gradually diminishing will better fit this class of people than one where the amount continues the same.

In all games of chance, a party who understands the laws which govern the game has the advantage over one who does not. Hence, to adapt life insurance to the poor, it should be reduced to the utmost simplicity, so as to be within the comprehension of the humblest capacity. Methods or practices unexplainable to their comprehension should be abstained from if possible, and the expenses should be gauged to suit their circumstances. It is not to be expected that the poor, or, for that matter, the rich, will ever generally understand the intricacies of algebra that usually clothe the doctrine of chances; but the poorest laborer can read the Arabic numerals, and cipher as far as

the rule of three, and hence is capable of understanding, from first to last, any life-insurance policy that is fit for him to take, if the figures are honestly set before him.

To show just how the present methods of life insurance need to be modified to adapt it to the circumstances of the poor, I shall have to revert to the first principles of the subject with a particularity which I trust will be pardoned, even if it proves a little tedious.

In any table of mortality the ultimate age is 100, or a trifle more or By comparing the number in the table set down as living to attain each year of age, with the number who will die from them before attaining the next year of age, we have a series of ratios expressing the chance of a person's dying within a year after any age which he may have attained. This chance of dying within a year increases more or less rapidly, from any given age to the ultimate one, when, according to the table, it becomes a certainty. Hence, if a company insures a man for his whole life, for a given sum, payable whenever he may die, it will naturally bind him to pay a series of annual premiums corresponding with this series of chances. Each premium will simply cover the risk of his dying in the year entered upon, not to speak of any margin for expense of conducting the business, or for extraordinary mortality. Consequently these premiums, which we will call natural, because each exactly covers the risk for the whole face of the policy for one year, and net, because margin is left out of consideration, will begin small and increase gradually and almost imperceptibly at first, but with ever accelerating rapidity as years roll on, till, at the ultimate age, if the insured lives to reach it, he will pay, as his last annual premium, the whole sum insured, less one year's interest. Life insurance has often been attempted on this natural plan; but, for obvious reasons, it has not succeeded, and never will. It not only offers a supply of insurance far beyond any possible demand for it; but there is nothing to hold the insured to pay the increasing premiums when he gets tired of doing it. At the end of any policy year the healthy subjects might step out, and leave the sick ones on the company. To secure the persistence of the payments, sufficiently to save the company from ruin, there would have to be either a law to enforce damages for non-fulfilment of the contract, or a deposit three or four times as large as the first premium, to be forfeited in the event of withdrawal. Without some such cement, the institution, no matter how large at the start, would prove worse than a structure of sand, for the best materials would go and the worst stay.

## COMMUTATION OF PREMIUMS.

Without attempting to cure the absurdity of extending the insurance beyond the insurable interest, the mathematicians of a hundred

years ago mitigated it, and effectively cured the want of security for persistence, by commuting the natural series of increasing premiums into a single premium, or into a series of equal annual premiums payable during life, or during a limited part of it, should it exceed the limit. Such premiums were substituted for the natural ones in all life insurance contracts or policies.

I should digress too far by attempting to explain the mathematical process by which the commutation of premiums is effected. It is sufficient to say, that the duplicate invention in Germany and England by Tetens and Barrett, of the celebrated "commutation columns," by which the labor is exceedingly abridged, is considered a wonderful scientific phenomenon. But perhaps it is more wonderful that science should have commuted premiums for a hundred years without making the public understand the real effect of substituting the commuted for the natural premiums. Of course science must have understood it herself.

It is obvious enough that while the natural premium, just paying for the insurance, will leave nothing in hand at the end of the year, the single or equal annual premium, which to be equivalent must be larger, will leave a certain sum. This sum in the hands of the company, after the insurance of previous years has been fully paid for, and which is commonly explained, or accounted for, as a provision for the insurance to be done in future years, when the (not natural but commuted) premium will be insufficient, is called "reserve." But simply to call it reserve, is not to put the proper emphasis on the transaction. It is not held in reserve to supply any such deficiency, except by a figure of speech. What really takes place is the division of the future business under the policy, into two perfectly distinct and heterogeneous, though complementary parts; to wit, a series of decreasing insurances, and a series of deposits, which by interest are to accumulate to the face of the policy, if the party reaches the ultimate age of the table. If this part of the business can in any sense be called insurance, it is self-insurance, or insurance by the policy-holder himself, and not by the company. Being a trust-fund, not due to the company for insurance done by it in the past, all of which has been otherwise paid for in advance, its amount, whenever he dies, is returnable to his heirs; and with the sum then insured by the company, makes up that named in the policy. The diminished series of insurances to be done by the company, by virtue of the commutation, has left, for the advance annual payment of it, net natural premiums which bear the same ratio to the insurance of each year as the natural premiums commuted did to the whole face of the policy. And besides this, there is a margin, or "loading," for expenses and extraordinary

mortality, which remains constant, while the insurance decreases. But all this distinction, which is sharply and precisely cut in the calculation, is obscured and concealed from the policy-holder by the wording of the policy; and still more, by always lumping together normal cost of insurance, and deposit for reserve, under the common head of premium, in the accounts.

To be a little more particular, because this point is vital to the adaptation of life insurance to the poor, let us notice the effect of paying, at the start, a premium two or three or four times larger than the natural one due to the risk of the whole face of the policy. The foundation principle of the business is, that an insured party shall contribute towards paying the death-claims of the company as nearly as possible in exact proportion to the company's exposure to loss by his death. If he pays the natural premium only, at the beginning of the year, the company is exposed to lose by his death the whole face of the policy, less the natural premium with a year's interest (for all premiums are payable in advance, and are calculated as if the losses were to be paid at the end of the year in which the death occurs). But if he pays a commuted premium, which is, of course, larger than the natural, the company is exposed to lose by his death a less sum, - less by exactly the difference between the amounts, at the assumed interest, of the said natural and the commuted premium, at the end of a year. Hence we have this proportion to find what the payer of a commuted premium should contribute in advance, according to the mortality table, for the death-claims of the year, or, in other words, to find the proper natural premium for what the company really insures him.

As the face of the policy, less the natural net premium for it with one year's interest:

# Is to the natural premium:

So is the face of the policy, less the commuted net premium (and the reserve from previous years, if it is not the first year of the policy), with one year's interest:

To the natural net premium, or "normal cost" of the insurance actually done by the company.

And to find the sum actually insured by the company in any year: -

As the natural premium for that year:

Is to the face of the policy:

So is the natural premium, or "normal cost" of the company's insurance that year:

To the sum it insures.

Deducting the sum insured by the company in any year, from the face of the policy, what remains is

#### THE SELF-INSURANCE

of that year.

We have here about all the mathematics necessary, in addition to the mortality table, for the safe conduct of any policy, on a single life, with yearly interest rests.

If the insurance and self-insurance involved in the commuted net premiums, and the margins added for expenses and adverse contingencies, were all three kept distinct on the books of the company, the officer usually called an actuary, after once using his wonder-working columnar open sesame to ascertain the true and sufficient level premiums, might take a perpetual vacation among the stars. A smart clerk, able to apply the rule of three to a safe mortality table, could do the needful for any life-insurance company to the end of time, provided the executive officers should be honest enough not to borrow from the bank, or self-insurance fund, for extravagant expenses, with the vain expectation of replacing the money from the margins of future premiums.

Entering in the books, in lump, simply as premium, the three heterogeneous and always relatively variable quantities, — margin, normal cost of the year's risk to the company, and bank deposit, or self-insurance, — makes an actuary, with his brains full of queer, algebraic-looking formulas, which are chiefly keys to unlock various voluminous numerical tables, an indispensable appendage of existing life-insurance companies. He alone can inform the executive officers, at the end of any period, whether their institution, as a bank, is up to the requirement of the commutation, or has been robbed to pay expenses which should never have been incurred. So, also, it makes annual valuations by State Insurance Departments useful, if not necessary, to give the same information to the public.

Let me revert to commutation to say, finally and emphatically, that the effect of substituting the payment of the commuted or artificial premiums for the natural ones of the mortality table, if the policy continues till death, or the end of its term, is this, and no more, and nothing else. It takes off from the company a large part of the insurance which would have been done by it, if the increasing series of premiums had been paid, and throws it on the insurer himself. And this is all the better for him, if he lives as long as, being carefully selected by the company, he probably will, and the company honestly and intelligently fulfils its trust.

## SURRENDER CHARGE.

Though the self-insurance, as long as the policy continues in force, cannot be touched to pay any expense, or claim on another policy, it

becomes available as "surrender charge" to secure the persistence of the premium payments. As policies were formerly, and are some of them now drawn, the whole of it is forfeited to the company by the non-payment of the premium when due, or the violation of any other condition. On whole-life policies, or very long endowment policies, the whole of it is probably not too great a charge to secure the payment of the second, or perhaps the third or fourth premiums. But after that, and sooner on shorter endowment policies, the whole of it as a charge becomes more and more excessive. In fact, an equitable surrender charge can have no relation to the magnitude of the self-insurance fund, but only to the loss which the company, as an insurance company, will experience by the withdrawal of a life better than the average; and this will be proportionate to the present value of the insurance remaining to be done by the company under the policy, which may be called the

## INSURANCE VALUE

of the policy. It is very true that the excess of interest realized on the self-insurance fund over the interest assumed in the commutation may be, and often is, applied to pay general expenses and losses; but this is not a very desirable or equitable proceeding. It ought to return to the insured, to lighten his premiums. It would be better, especially for the poor, that the margins and guaranty capital should be large enough to take care of all excesses of death-claims, without leaning in the least on the interest of the self-insurance deposits. That being the case, there is no occasion to have any regard to the magnitude of the self-insurance in fixing the surrender charge, only that it should never be smaller than such charge, unless there is a special deposit made to meet it. The advantage of basing the surrender charge on the insurance value of the policy is, that on any policy terminating with the productive period of life, it will gradually decrease from the start, encouraging the party who once takes a policy to persist as long [as he may need insurance, and not seriously impairing his surrender value if he has ceased to need it. In the ordinary practice, when the charge increases as the insurance value diminishes, the effect is just the reverse.

When a young man insures his life, it is much more probable that he will cease to need insurance within thirty years than that he will die within that period. Hence it is important that he should be careful to stipulate on what terms he can go out as well as go on. Inasmuch as he is, by paying the heavy commuted premium, trusting the company as a bank even more than he trusts it as an insurance company, he ought to have it definitely stated in his policy, how much he will have in the bank each year, and how much, out of that, the com-

pany will charge him for cancelling his policy, as a matter of insurance. If he sees fit to pay that charge, and have his insurance stopped, his balance in the bank should be his to withdraw, or leave there at interest. And this balance is the

#### SURRENDER VALUE

of his policy. That it cannot be stipulated from the start, as safely, precisely, and absolutely as the death-claim itself can be, is what is sometimes asserted, but never proved. What, indeed, is an endowment policy, but a policy with a definite surrender value stipulated at the end of a certain year? Under the same policy, is there any more difficulty in stipulating the sum which the company will pay at the end of any previous year, on surrender of the policy? Or is there any difficulty in seeing that the charge for cancelment, should diminish as the value of the insurance cancelled diminishes? The necessity of such an arrangement, if poor men are to be the subjects of insurance, is too obvious to need remark.

As I have already hinted, the ordinary rule makes the surrender charge a percentage of the reserve. From twenty-five to fifty per cent of the cash reserve is deducted, and the balance is the surrender value paid in cash. But it is a more favorite plan with the companies to give a "paid-up" policy for as much as the cash reserve, perhaps not diminished by any charge, will buy or be the single premium of. But a "paid-up" or single-premium policy, without any stipulated cash surrender value, is a particularly awkward piece of property for any one to have, especially if it covers the whole life. The single premium is simply a sum, the interest of which will keep up an annual premium policy, equal to the difference between the face of the policy and the said single premium. For example: if \$500 is the single premium of a policy of \$1,500, it is because the interest of that \$500, discounted a year, will pay in advance the annual premium for \$1,000. If you want to invest the \$500 in insurance, it is just the same, whether you take the paid-up policy for \$1,500 in the insurance company, or take out of it enough to pay the annual premium of \$1,000 in the insurance company, and deposit the balance in the savings bank, supposing interest the same in both. In either case, if you die within the year, yours heirs will have \$1,500 at the end of it. But if you live, and wish to drop the insurance at the end of the year, it will make a remarkable difference. For the "paid-up" of \$1,500 the lifeinsurance company will, perhaps, give you only \$260, and it will do uncommonly well if it gives you as much as \$400. From the savings bank you would, of course, get \$500, if you had put its principal So much for the absurdity of basing surrender charge on reserve, and not running a life-insurance company as, what to a great extent it really ought to be, and mathematically is, a bank.

I hardly need say that

# THE MARGIN, OR "LOADING,"

as it is sometimes called, which is added to the commuted net premiums, as a provision for the special insurance expenses and extraordinary mortality, ought to be proportionate to the insurance which is to be done under the policy, and not at all to the banking. Hence it has no assignable relation to the whole premium, but only to the series of normal costs of company's risks, which are variable, but usually decreasing fractions of the whole premium. Science seems to have been taking a vacation, either among the stars, birds, fishes, or roots of insoluble equations, when this subject was attended to: for the whole work was accomplished by simply adding to the whole commuted net premium, a percentage of itself; and this for all kinds of policies, from the longest to the shortest of endowments. And the working expenses, including the commissions paid to agents, were and are assessed in the same way. From this it results that the agent gets the largest reward for procuring the policy which insures the least, and the policyholder is taxed the most for expenses who most insures himself. Probably the annals of business may be searched in vain for a purer or more stupendous blunder. If poor people are to be insured, it should be carefully avoided, especially as endowment policies are the only ones adapted to their circumstances.

# STOCK OR MUTUAL.

In theory, a purely mutual life-insurance company is the cheapest. And if equitable surrender values were stipulated, so as to hold the managers to as strict and close a responsibility as those of a savings bank to its depositors, there would be no difficulty with it but the necessary agency expenses. A purely mutual company, to be stable, must have a large body of co-insurers. To obtain them, it must employ soliciting agents. This involves a very serious expense, besides some other objections. Out of about ninety millions of dollars now annually received by the life-insurance companies of this country, in premiums, about seventeen millions go for working-expenses, of which at least nine millions are for agency or solicitation expenses. When so many men have so large an interest in the accession of premiums, the risk of fraudulent insurance, or unhealthy subjects, is of course increased. But solicitation cannot be dispensed with, unless there is a capital to guarantee the insurance, large and strong enough to wait for spontaneous application. If such a capital stock can be

confined to a small profit, derived solely from the reduction of the insurance expenses within small margins, and the insurance itself within the normal cost of the risks, avoiding agency expenses, the insurance would be less costly than it is now in any mutual company; and the self-insurance, not being burdened with any of the insurance expenses, would be as cheap as it is in any other savings bank. would, in fact, be a savings bank, with a life-insurance function. The great aim of laboring men is, or should be, to own, instead of renting The chief objection to making a loan to such a man, by which he could greatly shorten the process of becoming his own landlord, is the danger of the lender having to foreclose in case of his death. A savings bank, having a life-insurance function, could easily remove this objection; and, to a considerable extent, would find small loans, so protected, an excellent investment. Large employers, whose interest lies in having their workmen become freeholders, men of character and skill, above the stratum in which strikes vegetate, will certainly see the utility of supplying the requisite capital, even without the prospect of extraordinary profits.

But the laboring men of any State, are abundantly able to furnish all the capital necessary for such an institution. Thousands of them have money in savings banks that would be as safely and profitably invested in the capital stock of a family bank, that is, a savings bank with a life insurance function for the benefit of people of their own class. If the poor men of character and brains, whose experience of life insurance cannot but have convinced them of the imperfections at which I have hinted, would join the poor men of muscle, it seems to me, the problem of self-solicited life insurance might be solved, and a long step taken towards the solution of the great labor-question, in making every industrious family the owner of its home.

[Mr. Sheppard Homans of New York, in discussing Mr. Wright's Paper, submitted the following:—]

SUGGESTIONS FOR A PLAN OF LIFE INSURANCE WITHOUT LARGE ACCU-MULATIONS, OR RESERVES.

Under the usual form of contract with a Life-Insurance Company, the policy-holder covenants to pay with undeviating punctuality during life, or for a stated number of years, a uniform annual premium, as a consideration for the sum insured which is to be paid at his death, or on his attainment of a stipulated age. The omission to pay any one of these premiums will, by the terms of the contract, work a forfeiture of the insurance, and a confiscation of the deposit portions of all previous payments. Such stringent penalties are not necessary in a contract of life insurance, and would never have been assented to, had policy-holders understood their true interests.

Every uniform annual premium paid for Life Insurance necessarily consists of three parts, essentially different in their nature, and which should never be confounded. (1.) The provision for claims by deaths during the year. (2.) The provision for expenses of management and adverse contingencies during the same time. (3.) The reserve or yearly deposit retained by the Company, and accumulated for the depositor to meet the deficits in later years, when the uniform annual premium will be less than the current yearly costs of his own insurance. In the case of endowments, these annual deposits with interest accumulations, will be just sufficient to meet the claim at maturity.

Now these annual deposits are not common property, but are private accumulations, held in trust for the individual depositor, and are simply payments in advance to meet the excessive costs of insurance upon the depositor's own life in the distant and uncertain future, or to secure endowments. No policy-holder has any right, title, or interest in the deposit of any other policy-holder, each one having his own proper sum in the Treasury of the Company. No deposit can properly be used to pay the claim by death of any one, except that of the person for whom the deposit was made; and such deposit serves merely to diminish the amount actually exposed to the risk of mortality upon his own individual life. In brief, the accumulated deposits or reserves held by Life Insurance Companies, should be considered individual property, in precisely the same sense that deposits in Savings Banks are individual property. It is true, in the former case they are not made payable until the death of the depositor, or on his attainment of a stated age; but it is none the less true that they are held in trust for his own individual benefit, and were derived solely from his own individual payments.

In all Life Insurance Companies, commissions are improperly paid, and expenses are improperly assessed upon the entire premium; that is, upon the deposit portion as well as upon the insurance portion. The average ratio of expenses to total income (including interest on investments) among all Companies transacting business in Massachusetts during the eight years, 1866-73, was 16.60 per cent. (See Report Insurance Commissioner, 1874.) equivalent to an average expense of about six and a half per cent upon the gross assets of these Companies, while during the same period the Savings Banks of Massachusetts were managed at an average expense of about threetenths of one per cent. Now, six and one-half per cent per annum is as much as a prudently managed Savings Bank or Trust Company can expect to earn as interest on investments, after deducting expenses and taxes. Hence it will be seen that a sum equal to the interest earnings upon the entire assets, or accumulated deposits of policy-holders in the Life Insurance Companies doing business in Massachusetts, was absorbed in expenses of management. only are the expenses attending the collection and management of savings deposits in our Life Insurance Companies excessive, but the tax, or penalty imposed upon the policy-holders, for the withdrawal of their own money, is unequal and without justification. This tax has usually been a percentage upon the reserve, - the larger the accumulated deposits the greater the penalty imposed upon their withdrawal. This tax is seldom less than fifty per cent of the reserve; while, in many companies, a policy-holder can terminate his insurance only by suffering the confiscation of his entire deposits. In fact, under the

usual form of contract, a policy-holder, who terminates his insurance, has no rights which the Company is bound to respect; since the portion, if any, of his own deposits, returned to him in such case, is simply a matter of grace, and generally is just what the managers choose to give.

# How may such Defects be remedied?

- (1.) By reform. Economy and accountability of management should be insisted upon, as well as a covenant or contract to return in cash the full equity (i.e., the total reserve, or accumulated deposit, less the cost of procuring a satisfactory substitute) to any policy-holder who, from choice or necessity, wishes to terminate his insurance.
- (2.) By removing the cause. A system of insurance may be adopted, which, while safe, secure, and permanent, shall yet do away with the necessity for large accumulations, or, in other words, which shall eliminate the Savings Bank element.

Let us look at first principles. Under the insurance portion of his contract, the individual covenants to pay each year, in future, his share of death-claims. This, assuming mortality and interest as indicated by the tables adopted, is precisely balanced by the insurance which the Company covenants to furnish him each year in future. If the person who wishes to terminate his insurance possesses a vitality greater than the average, the Company is entitled to com pensation for the consequent depreciation in the average vitality of those who remain. The amount of such compensation, in a Mutual Company, should not exceed the cost of procuring a substitute equally valuable as a contributor to future death-claims. The cost of procuring a satisfactory substitute will of course vary in different Companies; but it is for each the true surrender charge, or tax, which should be imposed upon the termination of an insurance contract, and the withdrawal of the entire reserve, or accumulated deposits. Upon such conditions the termination of his insurance, and the withdrawal of his reserve, can work no injustice to the other policy-holders, each of whom has his own similar deposit, and cannot possibly injure the Company. Whatever the amount of such tax may be, it clearly has no relation to the deposits, which should be treated as private accumulations.

A Life-Insurance Company MUST be compensated each year for the insurance furnished, for expenses of management, and for possible adverse contingencies, and should retain from the payments of each policy-holder a sum sufficient to procure a substitute equally satisfactory, in case he should terminate his contract. Beyond this a reserve, or deposit, or provision of any kind, is not necessary, and is not always desirable.

A contract of insurance, to extend over the whole duration of life if desired, may be so adjusted each year, that what is left from the payment of any one year may be applied in part payment of what is requisite for the year next ensuing. In other words, the account may be balanced at the end of every year, in a simple, straightforward, business-like manner, so that each year will take care of itself, thus avoiding the necessity for large accumulations. The Company, on the one hand, will be compensated for all the work done in the past, and for all the work to be done in the year ensuing, including an ample margin for contingencies; while the individual, on the other hand, will have the option of continued

insurance if he wishes it, or of discontinuance if he prefers, without unnecessary loss to himself from previous payments.

Why should a man be compelled, as a condition for obtaining insurance which he needs, to pile up deposits for the distant and uncertain future, which he may not desire, which are expensively managed, which are beyond his control, and which are not absolutely necessary? A man seeks an Insurance Company for Insurance, not as a depositary for Savings. If he can use his money to better advantage in business, or by depositing in a Savings Bank, or if he has not the means to spare for accumulation, why should he be refused insurance which he needs, and is willing to pay for as long as he shall continue to need it? Life Insurance, pure and simple, should be furnished for those who wish it, and also Life Insurance combined with Savings for those who prefer the system of uniform annual premiums, so that any one may have the option by either method.

The plan proposed is in reality a series of yearly insurance contracts, in which what is left (both reserve and surplus) from the payment of any one year is applied in part payment of the regular premium, at the next higher age. In this way insurance is furnished at (actual current costs, each year taking care of itself, and large accumulations are avoided. It should be a part of the contract that no medical re-examination will be required when the insurance is continued year by year.

It may be urged as an objection to this plan that the payments required will increase each year, until in time they may exceed the uniform annual premium at age of entry. This is unavoidable, and applies alike to any system of insurance. Life insurance must be paid for, and the cost usually increases with the age of the person whose life is insured. It is a question for each one to decide for himself, whether it is better to make deposits in order to provide for excesses, during old age, in the yearly cost of insurance over the uniform premium, or to pay as he goes, - whether it is better to pay in advance for insurance to cover a period of life which he may never reach, or, if he does, for insurance which he may not then need. The payments by the plan herein suggested, will be far less during a series of years than the uniform annual premium: afterwards they will be higher. This excess, however, may be provided for by depositing in a Savings Bank a portion of the premium saved. In the one case the insurance actually furnished each year is alone paid for; in the other, deposits are required in addition, to pay for insurance in the distant future. In both cases all the insurance furnished must be paid for AT SOME TIME, and at the same yearly costs, pro rata, increasing with the age. No intelligent man can for a moment be made to believe that the risk of his death can be prudently assumed by any company without an adequate equivalent to be paid by himself. Unless the heavy expenses of collecting and managing deposits in existing Companies is lessened, and unless the right to withdraw these deposits - a man's own money - in case of need, be given, one would think the choice between pure insurance without accumulations, and insurance combined with savings, would not be difficult.

If the expenses attending the collection, management, and withdrawal of reserves, or savings deposits in Life Insurance Companies, greatly exceed those attending the collection, management, and withdrawal of similar deposits in Savings Banks, it is obviously the interest of depositors to choose the latter

rather than the former, at least for a portion of their savings, particularly if insurances for the same amounts upon less expensive forms be secured, as is possible.

I venture the assertion, and it is susceptible of proof, that of the premiums paid to Life Insurance Companies as hitherto managed, a very large percentage (perhaps one-half) would have been more advantageous and profitable to those who paid them if they had been deposited in Savings Banks, provided the remainder had been applied to the purchase of similar amounts of insurance upon less expensive plans, even in the same Companies.

On the other hand, I venture the assertion, and it is equally susceptible of proof, that a very large percentage (perhaps one-half also) of the deposits in Savings Banks might have been more advantageously and profitably paid to Life Insurance Companies, had the deposit functions been managed on correct principles, and had the trust been administered with equal economy. Thus all deposits in Savings Banks, intended as a provision for the depositor in old age, might with advantage be combined with the endowment feature, since larger results would be realized at maturity. Again, all deposits intended as a provision for heirs or dependents in case of the death of the depositor might with advantage be combined with the insurance feature. In fact, the possible combinations of money and its accumulations by interest, with the chances of living or dying, for the benefit of the provident, are too numerous for mention. But the right to withdraw equities at stated times, and under suitable restrictions, together with economy and accountability of administration, should be insisted upon as being absolutely essential.

One word in regard to the additional security to persons wishing insurance, which is sometimes claimed for mutual companies possessing large reserves, or accumulated deposits. It must be remembered that these are simply the aggregates of payments in advance for future insurances or endowments, and that the share of each person in the total fund should be clearly ascertainable at any time. An ample provision for current death claims is found in those portions of the annual premiums specifically charged for that purpose, and which, as we have already shown, are essentially different from the deposit portions of the same. No person should derive profit or advantage from any deposit except that arising from his own previous payments. Nor can he do so unless the whole or a portion of what belonged to policy holders who had terminated their insurance had been confiscated. The only legitimate advantage afforded by a mutual company possessing large accumulations, over one of moderate size, is in the greater economy of management which ought to be expected, but which is not always proved to exist.

From the tables on the following page we may compare the practical working for a series of years, of the new plan of insurance without accumulated deposits, with the old plan of insurance by uniform annual premiums. The examples are for two policies of \$1,000, each, issued upon the life of a person aged 35 years, upon the basis of the premiums charged by the New York Companies.

A careful examination of this table will show that the new plan has several important advantages over the old system, (1.) The payments required for a

long series of years will be far less; and although in time they may be larger, yet in no case will they be more than are necessary for the death-claims, expenses, and contingencies of the current year alone. (2.) The margins available for adverse contingencies increase each year, both in amount and in proportion to the tabular or assumed cost of insurance; while by the old plan these margins are uniform in amount, although the yearly cost increases each year. (3.) If we assume the same expenses each year for both plans, at the rate of ten per cent on the initial premium for instance, as shown in the last four columns, the superiority of the new plan in point of security will be still more manifest. The portions of the margins not used for expenses or contingencies will be applied, at the end of each year, to reduce the next stipulated payment.

## · PURE INSURANCE:

Or Life Insurance without large Accumulations, where the Reserve (and any Surplus) at the end of each year is applied in part payment of the premium at the next higher age.

EXPLANATION. — Columns 1, 2, and 3 show the component parts into which the uniform annual premium (column 4) to secure \$1,000 at death is divided. Column 5 shows the deposit, or reserve, at the end of the year, which it is proposed shall be allowed (together with any surplus) in part payment of the regular premium at the next higher age. Column 6 shows the net payments stipulated each year after the first. Column 7 shows the net amount exposed to the risk of mortality, or in other words the amount actually insured by the Company.

Age.	Component parts of the uniform annual premium.			annusl for leath.	ear.	ated after	risk any.
	Margin for ex-	Insurance E portion of annual pre- mium.	Deposit por-	Uniform annus premium fo \$1,000 at death.	Reserve or deposit © at end of year. Am. experience at 4 per cent.	Net stipulated payments after the first year.	Net amount at risk in the Company.
25	5 68	7 70	6 51	19 89	6 77		993 23
26	5 83	7 76	6 81	20 40	7 08	13 63	992 92
27	5 98	7 82	7 13	20 93	7 41	13 85	992 59
28	6 13	7 88	7 47	21 48	7 76	14 07	992 24
29	6 30	7 96	7 81	22 07	8 12	14 31	991 88
30	6 49	8 03	8 18	22 70	8 50	14 58	991 50
31	6 67	8 11	8 57	23 35	8 91	14 85	991 09
32	6 87	8 20	8 98	24 05	9 34	15 14	990 66
33	7 08	8 80	9 40	24 78	9 78	15 44	990 22
34	7 80	8 40	9 86	25 56	10 24	15 78	989 76
85	7 54	8 51	10 33	26 38	10 75	16 14	989 25
86	7 79	8 64	10 82	27 25	11 26	16 50	988 74
87	8 05	8 77	11 85	28 17	11 80	16 91	988 20
88	8 33	8 93	11 89	29 15	12 36	17 35	987 64
89	8 62	9 10	12 47	30 19	12 97	17 83	987 03
40	8 95	9 29	13 06	81 30	13 59	18 33	986 41
41	9 28 9 64	9 49	13 70	82 47	14 25	18 88	985 75 985 05
43	10 02	9 71 9 95	14 37 15 08	83 72	14 95 15 68	19 47 20 10	985 05 984 32
44	10 42	10 24	15 80	35 05 36 46	15 68 16 43	20 78	983 57
	10 45	10 24	10 00	80 40	10 40	20 10	
45	10 85	10 55	16 57	87 97	17 24	21 54	982 76
46	11 31	10 92	17 85	39 58	18 05	22 34	981 95
47	11 80	11 32	18 18	41 30	18 91	23 25	981 09 980 22
49	12 32 12 88	11 79	19 02	43 13	19 78	24 22	980 22 979 34
3.0	12 00	12 34	19 87	45 09	20 66	25 31	
50	13 48	12 97	20 73	47 18	21 56	26 52	978 44
51	14 11	13 67	21 62	49 40	22 48	27 84	977 52
52	14 80	14 45	22 53	51 78	23 43	29 30	976 57
53	15 52	15 82	23 47	54 31	24 41	80 88	975 59
54	16 29	16 30	24 43	57 02	25 40	82 61	974 60
55	17 12	17 38	25 41	59 91	26 42	84 51	973 58
56	18 00	18 60	26 40	63 00	27 46	36 58	972 54
57	18 94	19 93	27 42	66 29	28 52	88 88	971 48
58	19 95	21 40	28 47	69 82	29 61	41 30	970 89
60	21 03	23 04	29 53	78 60	30 71 31 83	43 99 46 92	969 29 968 17
00	22 18	24 85	80 60	73 63	31 83	40 92	900 11

Note.—The policy-holder should, of course, have the option, at any time, of continuing the insurance by the payment of the uniform annual premium at his actual age, as by the usual method. Policy-holders should have the option of designating, in advance, the age at which the insurance shall cease, when the full reserve, together with any accrued surplus, would be payable as an endowment. An insurable interest can rarely extend beyond the age of seventy-five years. For this reason, the insurance should cease at that, or an earlier, age, when the full reserve and accrued surplus will be payable in cash as an endowment. Any surplus arising from economy of management or saving in margins, as well as from excess of interest, might be divided annually. That arising from vitality should be retained for five years, and then be applied to reduce the subsequent payments.

EXAMPLES, AT AGE 35, OF INSURANCES BY THE TWO METHODS.

8	Stipe	Stipulated	Margi	Margins for	Amoun	Amount actually	ő	Cost of	Ratio of	Margine	Assuming	Ratio of Margins Assuming 10 per cent. for Expenses	it. for Ex	rpenses.
	Payn	Payments.	Conting	Contingencies.	insured, in the C	insured, or at risk in the Company.	Just by the	insurance by the Tables.	Insu	Insurance.	Margin H	Margin Remaining	Ratio to Cost.	o Cost.
	Old.	New.	Old.	New.	Old.	New.	Old.	New.	Old.	New.	Old.	New.	Old.	New.
25		,	7 54						0.89	68.0	90		0.58	0.58
98			7 54						86.6	8.	4 90		.57	8:
200			70.1						æ. 6	76.	9 6		19.	20.
8 8	26 88	17 88	7 54	8 62	942 24	987 03	89	9 0	. <del>8</del> .		* * 8 8	2 S	99	8
4			7 64		_	-			98.	96.	4 90		.56	89.
7			7 54			-			8.	86.	4 80		99.	2.
4		-	7 64		_	_			8.	66:	₩ 90		÷5	7.5
£3			-						<b>%</b>	1.01	<b>7</b> 80		99	7.
‡			7 64		_				æ.	1.03	4 90		.54	24
<b>4</b>					_	-			.82	1.03	4 90		.53	.78
46			7 54						8.	1.04	4 90		.62	.79
4			7 54			_			.79	1.04	4 90		.51	<b>8</b> .
84			7 64						11.	1.04	96		99.	8.
6			7 54						25.	1.04	<b>4</b> 90		.49	æ
020			7 25		_	-			.73	1.04	<b>6</b>		.48	<b>8</b> .
92	26 88	34 51	7 64	17 12	686 61	978 68	12 26	17 88	.62	0.99	<b>4</b> 90	14 48	.40	88.
8	26 88	46 92	7 64	22 18	590 75	968 17	15 16	24 85	.50	68.	06 7	19 64	.82	8.
			_			_	_	_		_	_			

# LEGAL EDUCATION AND THE STUDY OF JURISPRU-DENCE IN THE WEST AND NORTH-WEST.

By Prof. W. G. Hammond of the University of Iowa.

READ MAY 14, 1875.

THE jurisprudence of the North-west is of course substantially the same with that of all the other sections of the Union. Each State has its peculiarities; and its legislation and reports will be seen to be influenced very largely by the law of that State from which the greater part of its settlers came. Decisions as well as emigrants move across the continent in isothermal zones. If we had time for an interesting topic not directly connected with our subject, it would be easy to illustrate this from the reports of all the newer States, from Minnesota to Arkansas, and from Ohio to Oregon. But there are other respects in which all the North-western States resemble each other more than they do any of the older States. This resemblance is due to such facts as these: That in all of them the titles to real estate are remarkably simple, brief, and free from the remains of feudal doctrine. Any other estate than a fee simple, any other conveyance than one of such a fee. is a rare exception to the general rule. Our titles are like our boundaries, on a uniform pattern of straight lines and right angles; and both differ more from the complicated and intricate titles of the older States than the latter do from those of the mother country. A further consequence of this fact is, that the distinction between real and personal property has been reduced almost to a minimum. It is not merely that our legislation tends to treat both alike, as it always has tended in America; but the want of hereditary local associations, and other causes, have almost effaced the difference between "hereditaments" and "chattels" from the popular consciousness, so that partners buy and sell land in their firm names, and administrators collect rent and pay taxes; and it is sometimes not easy to make a law-student see any thing more than a technical reason why this should not be so. Nay, it is sometimes difficult to impart a practical conviction of the distinction to an appellate court.

Another such fact is, that none of our systems date back to the period of rigid forms and strict constructions in the law. The change that has come over the whole country in this respect is too obvious to remark. But the older States have reports of the earlier period, and legal ideas, distinctions, lines of decision, that were then formed; and the full force of the change is only seen in the North-west, where all is new. True, some of our States retain the so-called "forms of action;" still more of them retain the formal distinction between law and equity. But the legal doctrines, the differences of substantive law, that were based on these, have disappeared in those States as completely as elsewhere. Nothing shows more convincingly the purely historic nature of law as a science, than the homogeneousness of doctrine between the North-western States, when compared with their different methods of procedure; and, on the other hand, the differences between any of these States and that Eastern State whose procedure it has most nearly copied. Whether the forms of action are nominally preserved, or not, they have lost all power over the substantive rights of parties. Whether the distinction between law and equity is maintained, or not, the strict law - jus strictum - is a thing of the past; and the decision of cases depends chiefly upon the judge's view of the equities.

I have dwelt too long on this point if it is considered merely as a digression; but I hope to show you hereafter that this vague subjective character of our jurisprudence has really the most important bearing on the question of legal education. Formerly the danger was, that the study and practice of law might make men narrow, quibbling, technical; and the chief effort of a judicious instructor was, to counteract this tendency, and inspire broad and free habits of thought. But of this danger we see but little at present. Our students are more apt to err in the direction of loose and indistinct habits of thought; and most of them need to have cultivated exactness and precision, accuracy in the use of terms, and logical forms of reasoning, in order to counterbalance the prevailing tendency of the professional mind.

Other causes combine to increase the tendency to vagueness and uncertainty of the law. The bar of most Western States has been an unorganized body, of very fluctuating membership, without fixed professional traditions, made up of new-comers from all parts of the Union, many of them without experience and almost without legal training, and accustomed to look for precedents at random through all the volumes of all the series of reports, without discrimination or guiding principles. The bench has not always been filled with men capable of evoking order from such a chaos; no bench, indeed, however able, can construct an harmonious and symmetrical system of State law without the aid of a well-trained bar; and until lately the conditions of legal education were such that a well-trained bar of inexperienced lawyers was an impossibility. Legal training was to be acquired by practice.

and by long practice only. The system of learning law by attendance in an office alone has sufficient objections under the best circumstances. In such offices as most of our Western villages supply, it is a mere fiction. It requires a busy office, where work enough is going on all the year round to keep clerks and students regularly employed, and where there are fixed habits in business. It requires frequent attendance in courts and public offices, where a student has an opportunity to observe the course of procedure, and to learn that large part of practice which is nowhere to be found in the books. But it is only in a few large cities of the West, that these conditions are supplied. In the smaller county-seats and villages, the legal year is made up of a few very busy weeks during the sessions of the courts, semi-annually or oftener; and of long intervals of comparative idleness, when the office is often closed, and the lawyer occupied in other ways, or absent at a term in another county, or perhaps trying a cause before some country justice. If he is at all competent to instruct a student, the probability will be that he has neither time nor inclination to bestow upon the task. Studying law in such an office means merely reading through a few of the commonest text-books, and trying to retain by sheer force of memory the words of the text. Of other training, such as the cultivation of legal habits of thought, and the tracing of principles, there is absolutely none: each page, each rule, stands by itself in his memory; and all are on a level. The little business that he happens to see going on may serve to illustrate and impress a few of them; but the chance of a happy selection of these is a small one. Generally the business going on in the office during vacation serves only as a distraction from the tedious process of memorizing law, and as such is welcomed or avoided according to the measure of his industry. As soon as he thinks his memory sufficiently stocked with the phrases of the text-book to answer the questions of an easy examination, he is admitted to the bar, and then begins his real professional education.

The want of some better legal education than this could not but be deeply felt in a region where the practice of law, like all other business, is chiefly in the hands of young and inexperienced men; and it is to the sense of that want, that we must attribute the very remarkable growth of law-schools. These institutions have, indeed, rapidly advanced in public favor all over the country. But there is no part of it where they have grown so fast, and become so nearly the principal means of legal training, as in the West and North-west; and we may attribute this fact to the combination of causes I have pointed out,—the comparative importance of early training in a bar of young men, the lack of such offices as could give that training in a thorough and satisfactory manner, and the peculiar character of Western law.

Whatever judgment we may form upon the relative value of school and office training for the bar, it is an injustice to charge upon the schools, as has sometimes been done, that they have injured the cause of legal education by tempting students from the offices by the offer of an easier way. The true relation of cause and effect is just reversed. The growth, if not the very existence, of the schools has been brought about by the failure of the offices to furnish what the students need. Wherever the offices can do this, they always have an important part to play in legal education; though I think that even in such cases that part should only be supplemental to a full and thorough course in a law-school.

It may seem superfluous to remark here, that the most important result of a course of professional study, by either method, is not so much the amount actually learned, as the mental habit acquired, and the judicious and thorough preparation made for a professional life which is to be one continued course of study throughout. and familiar as this remark seems, nothing is more apt to be overlooked in arguing the merits of either method of study. It often seems to be tacitly assumed, that the lawyer is to remain all his life just as the day of admission finds him, and consequently that in choosing a course of study he must be careful that it omits nothing of which he may have need afterwards. And it being also assumed that a lawschool teaches only theory, while in the office he must unavoidably pick up a little theory in the midst of practice, the natural conclusion is drawn, that a term of office-study is the essential part of a student's preparation, while the law-school course may well enough be added if time and inclination serve, but under other circumstances may also well be dispensed with.

We do not question at all the position from which this argument sets out, — that no man can be a successful lawyer, who does not combine with a theoretical knowledge of law a very considerable amount of practical experience in its application. It is in the next step that we find the fallacy, — in the assumption that the relative importance of these two factors is the same during the years of pupilage as in afterlife. We believe that a student who makes practical skill the first object of his novitiate is beginning at the wrong end, and that the more successful he may be in carrying out such a purpose, the more danger he incurs of seriously cramping his entire future development. If he goes through his course of study in this way, postponing all systematic study of legal theory till the time when he is engaged in active business, nothing but very remarkable talents, or a miracle, will ever raise him to the higher ranks of the profession. But if he devotes his student years to careful and patient study of law as a system, of the

theory of his profession, he begins at the right end, and practice will be learned as it is wanted.

Assuming, then, that the law-school is to be the place where legal education will chiefly be given for the future, it becomes a very important question, how those schools shall be organized and conducted to best answer their purpose. None know better the present imperfections of the course and method of all our schools, than those who are actually engaged in teaching. I must not be suspected of any wish to depreciate what is now done in all of them, and certainly not of any wish to make unjust discriminations between them, if I devote the rest of this paper to that part of the subject.

In the first place, it is to be hoped that we may have more unity of action among different schools; that teachers may have a means of communicating with each other, learning by others' experience the best methods of instruction; and, by a comparison of views, reaching at last a uniform and standard plan, which, among its other advantages, will have that of giving a more definite value to their degrees. I do not mean that every law-school could or should be expected to teach exactly the same subjects in the same manner, but only that the same kind of uniformity should exist in their courses which now obtains among our best colleges in regard to the course for undergraduates.

Again: it is much to be desired, at least in most of our schools, that the teaching-force should be larger and more efficient than it now is. The position of a teacher in a law-school should have a professional recognition which it has not yet obtained; and I may add, that wherever possible the remuneration should be such as would attract some of the best minds of the profession, and induce them to devote themselves entirely to the task. With all respect for the very distinguished and able gentlemen who are at present exceptions to my remark, I must say that law-schools never can become all that they should be, until they have the entire service of their teachers. A busy judge or lawyer may, no doubt, render most valuable service in such a school, by lectures or other modes of instruction, to which he can only give an occasional hour; but no number of such teachers can properly conduct a school through all its studies, without at least some one mind to guide and direct the course. The most valuable instruction may only embarrass and overload the minds of the class, if it is not imparted in due time and in a proper system; indeed, our law-schools can never be what they should be, until many minds have given all their energies, and made it their life-work, to develop that system. It is very desirable too, that there should be a considerable division of labor. The law is too vast a field to be thoroughly surveyed by one mind, and that survey kept always up to the requirements of the actual time. Our schools should be so strong-handed that (as in the German universities), one professor could devote himself to one, or a very few topics, and make himself so much the master of these, that his students can rely upon learning from him all that can be learned upon that topic, and upon learning it in the best possible manner.

Again: the range of studies in our law-schools is capable of very great and profitable increase. If our students came altogether or mainly from the colleges, we could afford to trust their general education for much of which every lawyer has particular need; but in fact only a very small proportion of our law-students have a college degree. From such inquiry as I have been able to make, the proportion falls much below one-half, even in the wealthiest and best-educated sections of the country. In the school with which I am most familiar, the proportion is about twenty per cent; and I believe that is not far from the general average of the country.

When we consider that all the colleges in the United States do not graduate yearly so many men as are admitted to the profession of law alone, it will be seen that the rule that some have proposed, admitting only college graduates to the law departments, is visionary and impracticable in the highest degree. It would ruin the law-schools before it raised the standard of education in the profession. I must venture another remark, - that some elements of culture of the greatest value to the lawyer are not always found to be among college graduates in a greater degree than among other and less-educated men. Nothing but actual experience would ever have made me believe how many of our college graduates are destitute of such a knowledge of English and American history as forms the best possible basis for the study of law. Few of them, again, have the training in formal logic which a lawyer needs. I might go on with the list, but have already said perhaps more than is perfectly safe in the present condition of public opinion on the subject. I do not by any means wish to depreciate the value of a collegiate education; but those who have it are the students for whom a lawschool needs to make the least provision. Its chief duty is toward the great majority who come to it with an ordinary English education, and sometimes with even less. To these the law-school should be able to give all they need for useful and intelligent professional life. should be, in every such school, classes in history, especially English and American; classes in logic and rhetoric, in political economy, and, indeed, in all the branches of Social Science which are yet in a shape to be usefully taught in the class-room. I question whether even Latin might not usefully be added to this list. A student who had none but an English education might profitably be advised to devote a

certain part of his time to its study, even with reference alone to his There seems to me to be no other discipline preparation for the bar. known to our schools, so admirably calculated to prepare a mind for legal thinking, as the critical study of a language; and when we consider the manifold value of the Latin, as the best subject for such critical study, as the source of nearly all the abstract part of our language, and as the depository of much of our older and of nearly all of the older foreign law, there can be no question of the preference to be given to it. I speak with diffidence of this subject; but I am strongly inclined to think that a year of earnest work by students of the age found in our law-schools, and with direct reference to professional purposes. would be found sufficient for the task, and, indeed, as effective as the much longer period given to the language in a general course of study. Of course I should not expect in a year to make elegant Latin scholars, or even to familiarize students with the classical authors of the golden age; but from my observation I should say that very much of the labor spent upon these objects in the regular college course has no direct connection with the culture or habits of thought of a lawyer.

I have mentioned these subjects rather as examples of what might be done, than with any hope of giving an exhaustive list, or marking out all the directions in which a thoroughly equipped law-school could usefully aid its students. These subsidiary branches should of course be optional. There might perhaps in course of time be some standard of acquirements to which every graduate might be required to attain before receiving a degree; but, the more the school was able to furnish, the higher it could justly fix this standard.

It might fairly be hoped, too, that the standard would be progressive, and that in a generation or so such an effect might be exerted upon professional opinion that the schools would be well sustained in requiring very much more than we should now consider possible. But I shall make no attempt to depict all that a law-school should be. This has been so well done by the venerable man who was but recently the president of this Association and of Yale College, that I must be allowed to quote his language:—

"Let the school, then, be regarded no longer as simply the place for training men to plead causes, to give advice to clients, to defend criminals; but let it be regarded as a place of instruction in all sound learning relating to the foundations of justice, the history of law, the doctrine of government, — to all those branches of knowledge which the most finished statesman and legislator ought to know. First of all, I would have the training essential to the lawyer by profession as complete and thorough as possible. Let that be still the main thing; and let the examinations, together with the appropriate theses, be a proof that every graduate has fairly earned his degree. But with this let there be ample

opportunity for those who wish the aid of teachers in studying the constitution and political history of our country, to pursue their studies in a special course by the side of or after the preparation for the law. Let the law of nations, the doctrine of finance and taxation, the general doctrine of rights and the state, the relation of politics and morals, be within the reach of such as wish to prepare themselves for public life. Let there be the amplest opportunity for the study of English institutions, even far back into the middle ages, for that of Roman history and Roman law, for that of comparative legislation, and for feudal and canon law. Let the plan of the library be expanded so that it shall furnish the best books on all branches and topics connected with law, legislation, and government. Can it be doubted that such an institution, of which I have sketched a faint outline, would be of vast service? that its influence would reach into the halls of Congress, into the departments of government, that it might become a fountain of light through the whole land?"

But after all, as Pres. Woolsey says, the training essential to the professional lawyer must be the main thing. It would be the greatest of mistakes to add these subsidiary branches, and aim at general culture, without first making the instruction in law as complete as possible. To this point, then, I will confine myself in the rest. Let us settle, in the first place, what is the main object of a law-student. This is too often assumed to be merely the learning of a certain number of positive rules. Men talk as if the student's only object were to lay up in his memory, as in a storehouse, the knowledge that he is to use in after-life. Nothing could be more misleading. ever truth there may have been in this view when the books of the law were few, and much of the most valuable part of it was preserved by practice and oral tradition, it is now utterly impossible (and it would be useless even if it were possible) for a student to commit to his memory all the law which he will probably have occasion to use. even in the first few years of his practice. The number of points has become so vast, and access to them, when wanted, is made so easy by many treatises and digests, that a lawyer must not think of knowing them all: in regard to many, he must be content with relying upon knowing where the law he may want is to be found. Again, in spite of the enormous number of these points, it is certain that a large proportion of those which fall to his share in actual practice will be new ones, not exactly governed by any of their predecessors. Something more than mere memory of a positive rule will be necessary in almost every case he has. Besides, these rules are all couched in terms of more or less of technical significance. They are useless until he has learned the full meaning of the terms; that is, until he has studied the institutions, relations, and conceptions with which he has to deal; or, in other words, until he has learned to translate the ordinary facts of daily life into their correct legal equivalents. His

whole professional life will be spent in determining the exact jural force of all the acts which men can perform in the manifold complications of modern society. He will have to deal with innumerable new combinations of all the elements of human life; but these elements, in their nature and relations to each other, will always be substantially what they have been, and now are. As the physician might know the whole of the Materia Medica, and carry in his memory a list of all the diseases that have ever been observed, and yet be only a learned dunce, if he have not learned to make a true diagnosis, to combine correctly the different features of a case, and to estimate justly the probable effect of a remedy; so the young lawyer, however well stocked his memory may be, will fail in practice, if he have not cultivated his habits of legal thought, if he have not learned to estimate aright the legal value and weight of every phenomenon, and to judge correctly of the consequences to which a given course of action will lead. In brief, the first and chief business of the law-student is to familiarize himself with the elements of jural life in the people whose law he is studying, and to estimate correctly the practical effect of all those elements. This seems to be the meaning of the common phrase of "legal habits of thought;" and such habits it is the business of the law-schools to impart. Of course, I do not deny that it must teach a large amount of positive law. No habits of legal thought can be formed without a certain amount of material for the mind to work upon; but, after this amount has been acquired, it really makes very little difference whether the student's accumulations during his novitiate are greater or less. At greatest, they will only constitute a very small fraction of what he will need in the course of his practice. To acquire the rest, will be the work of his whole lifetime; but the ease or difficulty, the efficiency or inefficiency, of this lifelong work, will depend, most of all, upon the habits of legal thought acquired by the student. It is with particular reference to this, then, far more than with reference to the amount of law communicated, that we must estimate the value of different methods of study.

Those methods now in use are chiefly three, — lectures, reading of text-books, and the study of actual cases, either in the reports or in mootings. Lectures have the great advantage, that they enable the teacher to put before the class what they most want to learn, in the shape best adapted to them, and with the least mixture of extraneous and confusing matter. They always must be, therefore, important instruments of legal education. On the other hand, lectures alone are the least effective means of imparting that judgment, that legal habit of mind, which I have said to be the student's first object: they rather presuppose this; and their value to the student is usually in direct

proportion to his previous culture. I believe the experience of all lawteachers has shown, that, with a class made up as most of our classes are, lectures alone cannot be relied on, even to fix their substance in the student's memory. They have also the disadvantage that they cannot be adapted to the different requirements of each student. The law must be stated in the same form to him who has nearly completed his course, and to him who is just commencing; to the quick of apprehension, and to the dull. There is no means of ascertaining and correcting misapprehensions, none of gauging the student's advance, and none of that stimulus to the mind which results from the reciprocal interchange of thought, even in the form of question and answer. Unless the student comes to the lecture with a mind already trained, the purely receptive state in which the lecture keeps him is the least favorable of all to activity of thought. Treatises afford the most convenient means of studying; and when read under the guidance of a teacher, and with daily examinations and oral explanations, must always, no doubt, be an important means of school instruction. The chief difficulty consists in finding treatises adapted to that purpose. Any thing more unfit to be put in a student's hands than the majority of those which have come from the press in such numbers during the few years past, can hardly be imagined. Made up principally from the digests, arranged upon any plan that suited the author's fancy, but scarcely ever with any reference to a scientific arrangement of the law, even the best of them are apt to perplex more than help him. They are intended for quite a different purpose, - to enable the practising lawyer to find conveniently an authority upon any case he may have in hand. The object therefore is to string together as many points as possible, rather than to trace the effect of legal causes. Exceptions receive far more attention than rules, applications far more than principles. The student rises from the perusal of one with the impression that the law consists of a vast number of arbitrary rules, all of about equal importance. His natural tendency to make the study of the law a matter merely of memory, rather than of training, is confirmed instead of corrected; and a student who has learned the law entirely by means of treatises has usually no training whatever in that most important branch of legal education we have already described, He has no notion how the rules are to be modified, or how any case would probably be decided that does not come within the exact language of any rule. In brief, their office is simply to supply the necessary material for the course of study, while all the more important part of the work already referred to must be done outside of them. There is another objection to the treatises now in use, which perhaps can never be entirely got rid of. The English treatises describe a

system of law varying in very many important points from our own. The best of them for a beginner is yet Blackstone; and that describes a system which now exists nowhere, and the scientific basis of which is obsolete to modern thought. But most of our American treatises are even worse for a student, because they describe no system whatever. The necessity of adapting them to sale and use in almost forty different States renders necessary either a vagueness of statement very prejudicial to habits of close thinking, or else confuses his mind with a multiplicity of varying rules, exceptions, and qualifications, and statutory changes. The mature lawyer finds no difficulty in using such books; but the beginner, who requires above all things clearness, directness, and precision of statement, is not merely hindered in his progress, but is in danger of having his whole conception of the law rendered cloudy and uncertain, for the want of a few strong outlines, clearly and boldly drawn, and impressed so plainly upon his mind that they serve to arrange all his after acquisitions upon. I fear these criticisms will seem captious and unjust to those who have only used those volumes for the purpose for which they were intended; but any one who has attempted to instruct a class in almost any of our modern treatises will be likely to state the case even more strongly than I do. We have, indeed, some few treatises intended for the use of students: but most of them err in one of two directions: they either present a meagre, bald abridgment of legal doctrine, of which a beginner can hardly appreciate the meaning; or else they aim at popular use, and discuss the subject in a vague, loose, and incorrect style, which is the worst possible preparation for critical study. What the student needs is a carefully drawn sketch of the leading principles, most important institutions, and jural relations, using no term before it is carefully explained, but clothing its explanations and definitions in the most exact language, and treating the whole subject with the strictest and most critical accuracy of statement. The exceptions and qualifications of the rules, and their application to particular facts, have no place in such a work. Unless they are intended for a single State only, all details of State legislation are also superfluous; and, if one rule more than another should be remembered in constructing such a work, it should be, that whatever is superfluous in it is a positive blemish and hinderance. Surplusage does vitiate here, if nowhere else in the law.

The third method, that of studying cases, has very decided merits peculiar to itself. It is the only one of the three which directly and essentially trains the student in habits of legal thought. He learns not only rules, but the sources from which rules proceed; and he insensibly acquires a habit of measuring the greater or less elasticity of each rule in connection with diverse states of fact, which is, perhaps,

the best possible substitute for actual practice in ripening the legal judgment. If the cases are judiciously selected and combined, the amount of law which can be learned in this way, within the ordinary period of pupilage, is perhaps as great as the beginner will require; but it must be confessed that the chief objection to the method is its slowness. Until our students are willing to devote more time than they ever yet have done to preparation, this method can never become the sole one in a law course. It must be combined with others; and it easily may be. Cases may be stated and discussed by teachers and students, in connection with a course of lectures, and form indeed a most desirable supplement to such a course; and, when we have treatises prepared expressly for use in our law-schools, the most valuable will no doubt be those which guide the student to a large use of illustrative cases, and instruct him in the best method of studying them.

I should be glad to add a few words on the Roman law and its historical connection with our own, and on the possibility of using that as a means of better instruction in the elements of our own law; but I feel that I have trespassed too far on the patience of the association, and that I must reserve a subject of so much importance for separate treatment.

# THE GENERAL MEETING OF 1875.

# Held at the City Hall, Detroit, May 11-14, 1875.

Ir has been the custom of the American Social Science Association, to hold two meetings in a year, besides department meetings. Annual Meeting, by custom, is held in Boston on the second Wednesday in January. It is principally a meeting for business, — the election of officers, hearing of reports, &c.; but a few general papers are The General Meetings of the Association for papers and discussions are held in different cities from year to year; sometimes in the spring, and sometimes in the autumn. That for 1873 was held in Boston (May 13-15); that for 1874, in New York (May 19-23); that for 1875, at Detroit. The first General Session at Detroit was on Tuesday evening, May 11, at 7.30, P.M.; and afterward, on the three following days, the general sessions were twice and sometimes thrice a day, continuing until 5.30, P.M., May 14, at which hour the sessions finally closed. The Conference of the Boards of Public Charities began at 10, A.M., on Wednesday, the 12th of May, and continued through Thursday, but with no evening sessions. The Departments of Health and Education held joint sessions on Tuesday and Wednesday. During the whole meeting, the persons who read papers, or joined in debate, were nearly a hundred in all.

There were special sessions to consider questions of Education and Jurisprudence; the whole number of separate sessions, general and special, being eighteen, — namely, on May 11, one; on May 12, eight; on May 13, six; and, on May 14, three. The average length of each session being nearly three hours, the whole number of hours spent on addresses and debates was about fifty. A full report of all that was read and said would fill more than eight hundred pages of our Journal. The Proceedings of the Conference of Charities, as printed last October, cover more than one hundred pages. A selection from the papers at the other sessions is given in the eighth number of the Journal of Social Science. The whole list of papers and debates is as follows:—

# Tuesday, May 11.

 An Address by the President of the Association, Hon. David A. Wells of Connecticut.

- 2. A Paper by DAVID A. WASSON of Boston, on The Relations of Church and State in Germany.\*
- 3. A Report from the Secretary of the Health Department, Dr. D. F. Lincoln, introducing Papers on The Health of Pupils in the Public Schools.

## Wednesday, May 12.

- 4. A Report on Ocean Lanes for Steamships, by R. B. Forbes of Boston.\*
- 5. A Debate on Problems of Trade and Industry in the Southern States.
  - 6. A Paper by Gamaliel Bradford of Boston, on The Financial Policy of Great Britain and of the United States.\*
  - 7. A Report on *Printing for the Blind*,\* by Pres. Eliot of Harvard University.
  - 8. A Paper by Dr. D. F. Lincoln, on The Nervous System as affected by School Life.\*
  - 9. A Paper by Dr. James J. Putnam of Boston, on School Gymnastics.\*
- 10. A Paper by Mme. DORA D'ISTRIA of Florence, on The Education of Women in Italy.\*
- 11. An Address by Gov. BAGLEY of Michigan, on The Michigan Public Charities.\*
- 12. A Paper by Dr. NATHAN ALLEN of Lowell, on Insanity.\*
- 13. A Communication from Mr. George Walker, covering a letter from M. Victor Bonnet on The Financial Situation of France.\*

# Thursday, May 13.

- 14. A Paper by GEORGE S. HALE of Boston, on Medical Charities.
- 15. A Paper by ELIZUR WRIGHT of Boston, on Life Insurance for the Poor.\*
- 16. A Paper by Prof. WILLIAM T. HARRIS of St. Louis, Mo., on Ideal Education in America.
- 17. A Paper by Hamilton A. Hill, Esq., of Boston, on Immigration.\*
- 18. A Paper by Bonneville de Marsangy of Paris, on A New Method of Repressing Crime.
- 19. A Paper by Miss Mary Carpenter of Bristol, Eng., on What should be done for the Neglected and Criminal Children of the United States.\*
- 20. A Report by the General Secretary, F. B. SANBORN, on The Work of Social Science, Past and Present.

- 21. Communications from Corresponding Members, Dr. FARR, H. DUNNING MACLEOD, &c.
- 22. A Paper by Robert Treat Paine, Jun., of Boston, on Homes for the People.\*

# Friday, May 14.

- 23. A Paper by Rev. W. G. Eliot, D.D., of St. Louis, Mo., on The Treatment of the Guilty.\*
- 24. A Report by Dr. John W. Hout of Wisconsin, on The Railroad Question in the United States.\*
- 25. A Paper by Prof. WILLIAM WATSON of Boston, on The Railroad and Canal System of France.\*
- 26. A Paper by A. P. Sprague of Troy, N.Y., on The Railroad System of the United States.\*
- A Paper by Prof. C. A. Kent of Detroit, on The Organization of Political Parties.\*
- 28. A Paper by Hon. DORMAN B. EATON of New York, on The Experiment of Civil Service Reform in the United States.\*
- 29. A Paper by Prof. WILLIAM G. HAMMOND of Iowa City, on Legal Education in the West.\*
- 30. A Paper by Prof. EMORY WASHBURN of Harvard University, on Limitations of Judicial Power.\*

#### VOTES PASSED.

During the sessions of the Detroit meeting, various resolutions and votes were adopted, some of which have already been published in the Proceedings of the Conference of Charities. Dr. Hoyt, one of the Vice-Presidents of the Association, offered the following resolution, which was adopted and referred to the Executive Committee for consideration as to the best mode of obtaining the end sought, and also of complying with the request of the Philadelphia Social Science Association, for a General Meeting in that city in 1876:—

Whereas, The Centennial exhibition, to be held at Philadelphia during the year 1876, would afford a favorable opportunity for a general conference of workers in the field of social science from all parts of the world; therefore—

Resolved, That this Association will call an International Social Science Congress for that time and place; and that a committee, consisting of the President of the Association, and four other members of his appointment, shall be charged with the duty of making suitable arrangements for calling such a Congress.

<sup>\*</sup> The papers marked \* were debated, some of them at great length, but no full report of the discussions has been preserved.

The committee appointed under this resolution were Messrs. D. A. Wells, J. W. Hoyt, Henry C. Lea, Edward Atkinson, and F. B. Sanborn; and these gentlemen, under instructions from the Executive Committee, finally arranged for a Conference rather than a Congress at Philadelphia; the programme for which appears on a subsequent page. The following resolutions were also passed:—

Resolved, That the thanks of the American Social Science Association are due and are hereby tendered to the agents of the Associated Press, to the correspondents of the daily newspapers in other cities, and especially to the editors, publishers, and reporters of the press of Detroit, for the extraordinary skill, patience, industry, and enterprise with which they have given publicity to the addresses, papers, and debates of the general meeting of 1875.

Resolved, That the thanks of the Association be tendered to H. B. Ledyard, Assistant General Superintendent of the Michigan Central Railroad; to W. K. Muir, General Superintendent of the Detroit & Milwaukee Railroad; to Andrew Watson, Superintendent of the Great Western Railway; and to T. B. Sargent, Superintendent of the Detroit & Bay City Railroad, — for abatement of fare to members of the Association.

Resolved, That the thanks of the Association be tendered to the Hon. Hugh Moffat, Mayor of Detroit, for the use of the hall in the Moffat Building.

Resolved, That the cordial thanks of this Association be, and they are hereby, tendered to the Common Council of the City of Detroit and to the Board of Auditors of Wayne County, for the free use of the elegant rooms in the City Hall so generously placed at the disposal of the Association.

At a meeting of the Executive Committee of the Association, held in Boston, May 29, 1875, the following votes relating to the Detroit meeting were passed:—

Whereas, It is the sense of the Committee, that the General Meeting at Detroit was one of the most successful ever held by the Association, and that this success was largely due to the great skill and labor of the local committee; Voted, That the thanks of the Executive Committee be conveyed to the local committee for the great service, and that the Secretary be requested to forward a copy of this vote to Messrs. C. I. Walker, H. V. Brown, and Z. R. Brockway, of Detroit.

Whereas, The courts of the city of Detroit adjourned at such time as allowed the Bench and Bar of that city to attend the meetings of the Association; Voted, That thanks be returned to the Judges of those Courts, and also to the Bar of Detroit, for their courtesy and assistance in promoting the objects of our Association.

# THE CONSTITUTION, OFFICERS, AND MEMBERS

#### OF THE

### AMERICAN SOCIAL SCIENCE ASSOCIATION.

This Association was established more than ten years ago, having been organized in Boston at a public meeting, Oct. 4, 1865, at which the late Gov. Andrew of Massachusetts presided; and has had for its Presidents, Prof. W. B. Rogers and Dr. Samuel Eliot of Boston, GEORGE WILLIAM CURTIS of New York, Rev. Dr. WOOLSEY of New Haven, and DAVID A. Wells of Norwich, Conn. Its members have varied in number from 150 to 600, and are now about 400. Its object is to investigate and discuss all questions belonging to that new and broad domain of thought and practical activity known as Social Science; and its methods are, the holding of public meetings, the formation of committees for special research, correspondence with all parts of the country, and the publication of information in various ways. It comprises five Departments, in either of which its members may enroll themselves, but which are managed by Committees appointed by the General Committee, which, in turn, is elected annually by the whole body of members. A copy of the Constitution is subjoined: -

#### CONSTITUTION.

- I. This Society shall be called the American Social Science Association.
- II. Its objects shall be classified in five departments: the first, of Education; the second, of Health; the third, of Trade and Finance; the fourth, of Social Economy; the fifth, of Jurisprudence.

III. It shall be administered by a President, ten Vice-Presidents, a Treasurer, and a Secretary; an Executive Committee charged with general supervision; five Department Committees, established by the Executive Committee, charged with the supervision of their respective Departments; and such local Committees as may be established by the Executive Committee at different points, to serve as Branch Associations. The Executive Committee shall consist of the President, Vice-Presidents, Treasurer, and Secretary; the Chairman and Secretary of each Department Committee; and twenty or more Directors, with power to fill vacancies and to make their own By-Laws. The President, Vice-Presidents, Treasurer, Secretary, and Directors shall be chosen annually

by the members of the Association on the second Wednesday of January, and shall hold office till their successors are chosen. The President, or in his absence a Vice-President, shall be Chairman of the Executive Committee. The Chairmen of the Department and Local Committees shall be chosen at the pleasure of their respective Committees. Whenever a Branch Association shall be organized and recognized as such by the Executive Committee, its President shall be ex officio one of the Directors of the American Association, and, together with the Secretary and Treasurer, shall be entitled to all the privileges of membership in that Association. And whenever a Local Department shall be organized and recognized as such by the Executive Committee, its Chairman shall become ex officio a Director and member of the parent Association.

- IV. Any person may become a member by paying five dollars, and may continue a member by paying annually such further sum as may be fixed at the annual meeting, not exceeding ten dollars. On payment of one hundred dollars, any person may become a life-member, exempt from assessments. Honorary and corresponding members may be elected, and exempted from the payment of assessments.
- V. The Executive Committee shall have sole power to call and conduct General Meetings, and to publish the Transactions and other documents of the Association. The Department Committees shall have power to call and conduct Department meetings.
- VI. No amendment of this Constitution shall be made except at an annual meeting, with public notice of the proposed amendments.

An important feature of our work must be the formation of Local Departments or Branch Associations in different parts of the country, through which the parent association can reach more readily the sources of information and of influence in each locality. Such an association has long existed, and has done much useful work, in Philadelphia; others are now formed in St. Louis, New Haven (Conn.), Detroit, and Chicago. No Local Departments have yet been organized, as provided for in the Constitution. A list of the officers of Branch Associations is added to the list of Department Committees in the parent Association.

### OFFICERS AND MEMBERS OF THE ASSOCIATION.

The Officers and Members of the American Social Science Association at present (May 1, 1876) are as follows, in the various Departments and classes wherein they are enrolled:—

OFFICERS OF THE ASSOCIATION, 1876.

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DAVID AMES WELLS, Norwich, Conn.

Vice-Presidents.

CHARLES W. ELIOT, Cambridge. ISAAC SHERMAN, New York. H. C. Lea, Philadelphia.
THEODORE D. WOOLSEY, New Haven.
MARTIN B. ANDERSON, Rochester, N.Y.
J. W. HOYT, Madison, Wis.
CHARLES I. WALKER, Detroit, Mich.
WILLIAM G. HAMMOND, Iowa City.
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W. H. RUFFNER, Richmond, Va.

Secretary.

F. B. SANBORN, Concord, Mass.

#### Treasurer.

GAMALIEL BRADFORD, Boston (5 Pemberton Square).

#### Directors.

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The above-named persons, with the Chairmen and Secretaries of the Five Departments, make up a Council or Executive Committee, which meets in Boston on the last Saturday of every month. The Department Committees are as follows:—

## I. EDUCATION.

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V. JURISPRUDENCE. Hon. Emory Washburn, Chairman. Prof. W. G. Hammond, Iowa City, Moorfield Storey, Secretary. J. B. Thaver, Boston. Prof. H. W. Torrey, Cambridge.

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### DETROIT BRANCH ASSOCIATION.

Officers for 1876.

President, C. I. Walker. Secretary, and Treasurer, Calvin Stebbins.

#### CHICAGO BRANCH ASSOCIATION.

Officers for 1876.

President, Sydney Myers. Secretary, Edward F. Adams. Treasurer, Henry C. Kinney.

### ST. LOUIS BRANCH ASSOCIATION.

Officers for 1876.

President, W. T. Harris.

### NEW HAVEN BRANCH ASSOCIATION.

Officers for 1876.

President, Theodore D. Woolsey.

## MEMBERS OF THE ASSOCIATION.

MAY 1, 1876.

[It is understood that all members of the Executive Committee are also members of the Association, whether their names appear on the list as Life Members, Annual Members, &c., or not. In copying the list for publication, in order to avoid the duplication of names, those of the Executive Committee do not also appear among the members. Possibly some names have been omitted of members who are not officers; if so the Secretary will thank any person sending him an omitted name, or the correction of an address. The names of Life Members who have died are not retained on the printed list.]

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Brimmer, Martin, 47 Beacon St., Boston. Chapman, Miss Mary G., La Grange

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Sturgis, John H., 7 Pemberton Sq.,

Sullivan, Richard, 77 State St., Boston. Summerfield, Marcus, Lawrence, Kan. Thayer, James B., Cambridge, Mass.

Torrey, H. W., 20 Oxford St., Cam-

Tousey, Sinclair, 119 Nassau St., New York.

Trumbull, Rev. H. C., Hartford, Conn. Urbino, S. R., West Newton, Mass. Walker, F. A., New Haven, Conn.

Ware, Charles E., M.D., 41 Brimmer

Watson, Prof. Wm., Inst. Technology,

White, Andrew D., care Chas. Tucker,

Whitmore, C. O., 17 Central St., Boston. Wilkinson, Alfred, Syracuse, N.Y. Williams, Chauncey P., Albany, N.Y. Wines, Rev. F. H., Springfield, Ill. Winthrop, Robert C., 90 Marlboro' St.,

Witthaus, R. A., 34 W. 35th St., New

Wolcott, J. Huntington, 8 Pemberton

Wolcott, Mrs. Harriet F., 238 Beacon St., Boston.

Wood, Rev. Horatio, Lowell, Mass. Wright, Elizur, Boston.

Young, Charles L., 71 Mt. Vernon St., Boston.

Young, Edward J., Bureau of Statistics Washington, D.C.

# OFFICERS OF BRANCH ASSOCIATIONS.

THE following is a more complete list than that given on p. 185, of the officers of the Associations at Philadelphia and Detroit for 1876.

### PHILADELPHIA SOCIAL SCIENCE ASSOCIATION.

President.

HENRY C. LEA.

Secretary and Treasurer.
Benjamin Hayllar.

#### EXECUTIVE COMMITTEE.

Department of Public Health.

Isaac Ray, M.D.

H. E. Goodman, M.D.

W. S. W. Ruschenberger, M.D.

J. L. Ludlow, M.D.

Department of Education.

Charles J. Stillé, LL.D.

W. H. Allen, LL.D.

Daniel R. Goodwin, D.D.

Mr. Lorin Blodget.

Prof. V. L. Conrad.

Department of Finance.

Mr. Joseph Wharton.

Mr. Thomas Cochran.

Mr. William A. Ingham.

Mr. Clarence H. Clark.

Department of Mining and Manufactures.

Mr. Eckley B. Coxe.

Mr. T. S. Emery.

Mr. J. S. Whitney.

Mr. Joseph D. Potts.

Dr. C. M. Cresson.

### Department of Jurisprudence.

Mr. E. Spencer Miller.

Mr. W. Heyward Drayton.

Mr. R. L. Ashburst.

Mr. R. C. McMurtrie.

Mr. Samuel Dickson.

Mr. J. G. Rosengarten.

Mr. Furman Sheppard.

#### DETROIT ASSOCIATION.

President, C. I. Walker.

Vice-President, H. B. Brown.

Secretary and Treasurer, Calvin Stebbins.

Department of Education, W. D. Wilkins, Chairman.

Department of Public Health, H. F. Lyster, M.D., Chairman.

Department of Finance, C. M. Davison, Chairman.

Department of Jurisprudence, C. A. Kent, Chairman.

Department of Social Economy, Rev. John W. Brown, Chairman.

## MEETINGS

OF THE

# AMERICAN SOCIAL SCIENCE ASSOCIATION

IN 1876.

A CONFERENCE, to which all members of this and of kindred associations are invited, will open in Philadelphia, at the College of Physicians, on Wednesday, May 31, 1876, and continue for three days. The first session will commence at eleven, A.M., May 31, Henry C. Lea, Esq., of Philadelphia, presiding; and reports will then be presented by F. B. Sanborn, General Secretary, by Dr. Elisha Harris, and others, which will be generally debated. At three, P.M., Dr. John H. Packard of Philadelphia will read a paper on "The Training of Nurses." At five, P.M., a paper will be read by Dr. Edward C. Mann of New York, on "State Medicine in its Relations to Intemperance and the Inebriate." In the evening of Wednesday, papers will be read and discussed by gentlemen of Philadelphia, on "Building Associations and Homes for the People in Philadelphia," which will be fully debated.

On Thursday, June 1, at ten, A.M., Dorman B. Eaton, Esq., of New York, will give an address on "The Utility and the Best Method of Organized Action for Improving Municipal Government;" at twelve o'clock, Lorin Blodgett, Esq., of Philadelphia, will read a paper on "The Administration and Evasion of Customs Laws;" and at three, P.M., Prof. Thomas C. Archer of England will read a paper on "International Exhibitions." Thursday evening will be devoted to a social reunion. On Friday, June 2, the forenoon session will be given to general conference and debate upon subjects to be announced hereafter; and this will be continued in the afternoon, if necessary.

The yearly General Meeting of the Association will take place at Saratoga, commencing Sept. 4, 1876, and continuing five days. The President of the Association, DAVID A. WELLS, will preside. A Conference of Charities will be held in connection with the Saratoga meeting, commencing Sept. 5, and continuing three days, at which Gov. Tilden of New York is expected to preside. More definite announcements concerning these meetings will be made at the Philadelphia Conference.

For the Committee of Arrangements,

F. B. SANBORN, General Secretary.

5 PEMBERTON SQUARE, BOSTON, April 29, 1876.

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